

Planning, Zoning & Development

PART 12

PLANNING, ZONING AND DEVELOPMENT

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CHAPTER 1

BOARDS AND COMMISSIONS

ARTICLE A

ECONOMIC DEVELOPMENT DEPARTMENT

Section 12-101. Economic Development Department Created.

SECTION 12-101. ECONOMIC DEVELOPMENT DEPARTMENT
CREATED.

A City of Sapulpa Economic Development Department is hereby created for the purpose of attracting and recruiting business and industry to Sapulpa as well as retaining and assisting in the expansion of existing commercial and industrial enterprises. The Economic Development Director shall be appointed by the City Manager and serve under his/her supervision and control as provided by the Sapulpa City Charter, City of Sapulpa personnel policies and procedures and State law.

The duties of the Economic Development Director include, but are not limited to, the development and dissemination of marketing and demographic materials, call visits, preparation and packaging of incentive programs, application and use of local, state and federal grants and loans, serving as a facilitator and advocate of business with City departments while assuring compliance with public safety codes, developing and implementing economic development strategies and working with community, metropolitan, state and national governmental agencies and individuals to attract new business and assist with the expansion of existing commercial and industrial enterprises in Sapulpa and the surrounding area.”

ARTICLE B

ECONOMIC DEVELOPMENT ADVISORY BOARD

Section 12-110.	Economic Development Advisory Board.
Section 12-111.	Board Qualifications
Section 12-112.	Board Composition
Section 12-113.	Terms of Office
Section 12-114.	Meeting Times

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SECTION 12-110. ECONOMIC DEVELOPMENT ADVISORY BOARD.

The Sapulpa Economic Development Advisory Board is hereby created for the purpose of making recommendations to the Mayor, City Council, City Manager and Economic Development Director regarding the economic development affairs of the City. The Board is charged with also providing advice and oversight to the City Manager and Economic Development Director regarding business prospects and the implementation of economic development incentives and strategies.

SECTION 12-111. BOARD QUALIFICATIONS

Seven (7) of the voting members shall be residents of the City of Sapulpa or Creek County. The remaining voting members shall reside or have a business interest in the City of Sapulpa or Creek County.

SECTION 12-112 BOARD COMPOSITION

The Sapulpa Economic Development Advisory Board shall be composed of the following (9) voting members and five (5) ex-officio members, with the Mayor or his designee acting as chair-person of the committee:

The Mayor and three (3) other City Councilors currently or thereafter appointed by the Mayor and confirmed by the City Council to the City of Sapulpa's Community and Economic Development Committee;

Two (2) representatives of local banks appointed by the Mayor and confirmed by the City Council;

One (1) Sapulpa Area Chamber of Commerce Board Member appointed by the Mayor and confirmed by the City Council;

One (1) UpTown Sapulpa Action, Inc. a/k/a Main Street Board Member appointed by the Mayor and confirmed by the City Council;

One (1) board member of the Creek County Industrial Authority appointed by the Mayor and confirmed by the City Council; and

Five (5) ex-officio members consisting of the City Manager, Economic Development Director, Executive Director of the Chamber of Commerce, Executive Director of Sapulpa Main Street, and one member at large appointed by the Mayor and confirmed by the City Council.

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SECTION 12-113

TERMS OF OFFICE:

The term of the City Councilors on the City's Community and Economic Development Committee shall coincide with their respective term on the City Council. The two (2) local bank representatives shall serve four (4) year terms except that the respective terms of the first bank appointee shall serve a term of two (2) years and the second bank appointee shall serve a term of four (4) years. The term of the Sapulpa Area Chamber of Commerce board member shall coincide with their Chamber term. The term of the Main Street Board member shall coincide with their term on the Main Street Board. The term of the ex-officio members shall coincide with their tenure of office, provided that the member at large shall serve until otherwise replaced.

SECTION 12-114

MEETING TIMES

The regular meetings of the Sapulpa Economic Development Advisory Board shall be held at least quarterly at a regular repeating time established by the Board.”

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CHAPTER 2

ZONING REGULATIONS

Section 12-201	Zoning ordinance adopted.
Section 12-202	Penalty.
Section 12-203	Miscellaneous Planning and Administration Fees.

SECTION 12-201 ZONING ORDINANCE ADOPTED.

The city has adopted Ordinance No. 2017, 6/5/89, setting forth zoning regulations of the city, and all amendments thereto, as the city's zoning regulations. This zoning ordinance, and all amendments thereto, are hereby adopted and incorporated herein by reference and are applicable in the city as fully as if set out at length herein. A copy of the zoning ordinance and amendments are on file in the office of the city clerk. (Prior Code, App A)

SECTION 12-202 PENALTY.

Any violation of the city's zoning regulations, as set out in Sec. 12-201 of the code or in ordinances of the city, is punishable as provided in Section 1-108 of this code. Each separate day that a violation continues shall constitute a separate offense.

SECTION 12-203 MISCELLANEOUS PLANNING AND ADMINISTRATION FEES.

There is hereby assessed and imposed certain charges, as set forth in the Master Fee Schedule for special services rendered by the urban development and zoning staff of the City to the general public for various planning and administrative services and functions rendered during the normal course of business.

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CHAPTER 3

LANDSCAPE REGULATIONS

Section 12-301	Purpose.
Section 12-302	Applicability and Exemptions.
Section 12-303	Landscape Requirements.
Section 12-304	Administration.

SECTION 12-301 PURPOSE.

The purposes of these landscape requirements are:

- A. To promote the beautification of the City of Sapulpa and to enhance the quality of life;
- B. To promote reasonable preservation and replenishment of valued trees and vegetation;
- C. To aid in establishing an ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and storm water runoff retardation; and
- D. To achieve a meaningful urban forest, while permitting economically feasible urban development to occur.

SECTION 12-302 APPLICABILITY AND EXEMPTIONS.

The Landscape Requirements herein established shall be applicable to all land for which a building permit is sought; provided, however, that the Landscape Requirements shall not be applicable to the following:

- A. Individual single family or duplex lots where only one such structure is to be constructed on the lot; or barns and similar types of structures on AG (Agriculture) zoned property;
- B. Restoration of buildings constructed prior to the adoption date of this ordinance which are damaged by fire, flood or other catastrophe;
- C. Interior remodeling; or
- D. Construction of a structure, other than a building, which does not increase the developed area of a lot more than 30 square feet.

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SECTION 12-303 LANDSCAPE REQUIREMENTS.

A. FRONTAGE AND PERIMETER REQUIREMENTS

1. Not less than 15% of the street yard shall be established and maintained as landscaped area.
2. Within the lot, a landscaped area shall be established and maintained which is not less than seven and one-half (7.5) feet in width and which extends along the entirety of the abutting street right-of-way. For lots abutting arterial streets a landscaped area shall be established which is not less than ten (10) feet in width.
3. Within a lot used for office, commercial, industrial or multi-family residential purposes, off-street parking shall be separated from an abutting residential district or residential development area (as in a PUD) by a landscaped area of not less than ten (10) feet in width.
4. Required building setbacks shall be landscaped in accordance with street yard standards.
5. Street yard landscaped areas shall be included in the minimum computation.
6. New single family or duplex residential additions abutting arterial streets shall provide a landscaped buffer of not less than ten (10) feet in width. Setbacks from the arterial, which are larger than ten (10) feet will be provided at each side of project entry, drive at its intersection with an arterial.
7. For lots abutting state highway rights-of-way, a landscaped area shall be established and maintained which is not less than fifteen (15) feet in width and which extends along the entirety of the abutting arterial.
8. Landscaping shall not be required in vehicular access points and shall not be allowed to obstruct site triangles.

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B. PARKING AREA REQUIREMENTS: Within surface off-street parking areas, landscaped areas shall be established and maintained as follows:

1. For lots 2.5 acres or less in size, no parking space shall be located more than 50 feet from a landscaped area which contains at least 30 square feet having a minimum width or diameter of five feet. A landscaped area must contain at least one tree.
2. For lots greater than 2.5 acres in size, no parking space shall be located more than 75 feet from a landscaped area which contains at least 100 square feet having a minimum width or diameter of seven feet. A landscaped area must contain at least one tree; however, all landscape areas 200 square feet or more in size shall contain at least two trees.

C. TREE REQUIREMENTS: Trees, as defined herein, shall be selected from those listed in Appendix C. Additional tree requirements include the following:

1. Within the street yard, trees shall be preserved, planted and maintained, or replaced as follows:
 - a. One tree for each 1000 square feet, or fraction thereof, of street yard.
 - b. Each existing tree in the required street yard which is at least six inches in caliper and which is removed for the development of the parking area, shall be replaced at a 2:1 ratio within the required street yard. In other words, two (2) replacement trees shall be counted as one (1) tree for purposes of compliance with street yard tree planting requirements.
2. One tree for each ten (10) parking spaces shall be required for surface parking areas, located outside the street yard, in all zoning districts except CBD. Each required landscape area shall require at least one tree.
3. If surface parking areas, located in the CBD zoning district and designed for 20 or more spaces, have parking areas within 25 feet of a public street right-of-way, then trees shall be preserved, planted and maintained, or replaced as follows:
 - a. One tree for each 35 lineal feet of parking area located along and parallel to the street boundary; and
4. Required trees shall be located within 10 feet of the public street right-of-way.

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5. An existing or planted tree which is at least six inches in caliper shall be considered as two trees for the purpose of determining compliance, provided that there is no alteration of the soil grade under the existing tree's drip line.
6. Planted trees shall be planted in a pervious area not less than three feet in diameter.
7. Minimum tree sizes at the time of planting shall be as follows:
 - a. Ornamental trees shall be not less than 6 feet in height and 1 inch in caliper
 - b. Conifers and evergreen trees, such as pine, spruce or cedar, shall be not less than five feet in height; and
 - c. Canopy trees shall not be less than eight feet in height and 2 inches in caliper.
8. Surface parking areas designed for 10 or more spaces and located within 25 feet of state highway rights-of-way trees shall have trees planted, preserved and/or replaced as follows:
 - a. One tree for each 50 lineal feet of parking area which is located along and parallel to the street boundary; and
 - b. Each existing tree in the required street yard which is less than six (6) inches in caliper and which is removed for the development of the parking area shall be replaced at a 3:1 ratio within the required street yard. In other words, three (3) trees shall count as one (1) tree for the purposes of compliance with street yard planting requirements.
9. Landscaped buffers separating new single family or duplex residential additions from arterial streets shall be treated as follows:
 - a. A minimum of one tree shall be planted for each 50 feet of lineal street frontage.
 - b. Tree sizes shall conform to the standards outlined in this section.
 - c. Each existing tree which is removed, or caused to be removed, by the developer of the addition during street grading or utility placement, and which is larger than six inches in caliper when

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measured at three feet above the ground, shall be replaced at a 2:1 ratio with trees sized as designated in this section. The new trees shall be located within the 10 foot landscaping buffer area adjacent to the arterial street or the expanded entry area setbacks. Two (2) replacement trees count as one (1) tree toward the satisfaction of the 1 per 50 linear foot requirement of Section 1702 C.8.a.

- d. Preservation or planting of trees, larger than six (6) inches in caliper, within the required landscaped areas shall be considered as two (2) trees for the purpose of determining compliance provided that there is no alteration of the soil under the existing tree's dripline.

D. MISCELLANEOUS REQUIREMENTS.

1. Artificial vegetation of any type will not satisfy the requirements of this chapter.
2. Required landscaping will be irrigated by one of the following methods:
 - a. An underground sprinkler system;
 - b. A drip system; or
 - c. A hose attachment within 100 feet of all landscaped areas.
3. All landscaped areas which are adjacent to pavement shall be protected with curbs or equivalent barriers.
4. Landscaping shall not obstruct traffic visibility.
5. Required landscaping shall be maintained in a live and healthy condition and shall be replaced as necessary to comply herewith. In addition landscape areas will be neatly trimmed and mowed and free of weeds.
6. Required landscaped areas shall be maintained free of debris and litter.

E. INCENTIVE CREDITS.

To encourage preservation of existing mature trees and/or planting of larger trees, each square foot of landscaped area which is permeable and within the drip line of a tree of at least six inches in caliper shall constitute 1.5 sq. ft. of landscaped area for

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the purpose of meeting the 15% street yard landscaping requirement. The following conditions shall apply:

1. Overlapping drip line areas shall be counted only once.
2. At least one-half of the drip line shall be permeable.
3. The original grade of the drip line shall not be changed.
4. The 1.5 square foot credit shall not constitute more than 25% of the landscape requirement.

F. PARKING CREDITS.

All nonresidential development, requesting a building permit prior to the adoption date of this ordinance shall be given one acre or less in size, the following parking credit:

The required number of off-street parking spaces shall be reduced by one space for each 300 square feet of street yard which is required to be landscaped.

SECTION 12-304 ADMINISTRATION.

A. LANDSCAPE PLAN

An application for a building permit for uses requiring landscaping shall include a landscape plan which provides the following:

1. The date, scale, north arrow, project name and name of owner
2. The location of the property lines and dimensions of the tract.
3. The approximate center line of existing water courses; the approximate location of significant drainage features; the location and size of existing and proposed utility easements and overhead utility lines on or adjacent to the lot; and the existing and proposed sidewalks on or adjacent to the lot.
4. The location, size and type (trees, shrub, ground cover, or grass) of proposed landscaping and the location and size of the proposed landscaping areas.
5. Planting details and/or specifications.

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6. The method of protecting damage to the existing trees which are to be retained during construction.
7. The proposed irrigation system, including a drawing of the nature and the location of the system.
8. The schedule of installation of required landscaping and appurtenances shall occur prior to the hook up of utilities. The Planning staff may grant approval for hook up prior to the completion of tree installation, based upon a specific tree planting schedule, not to exceed a temporary occupancy permit time limit.

B. CERTIFICATION OF INSTALLATION.

Prior to utility hook up, the owner, an architect, landscape architect or a professional engineer licensed to practice in the State of Oklahoma shall certify in writing to the City that the installation of the landscaping and appurtenances has been accomplished in accordance with the approved landscaping plan.

In the event that the Urban Development staff has granted approval for hook up of utilities prior to the completion of tree planting, the owner, an architect, landscape architect or a professional engineer licensed to practice in the State of Oklahoma shall provide written certification that all trees have been installed in accordance with the approved plan. Such certification shall be provided prior to issuance of the occupancy permit or within the time frame approved in the specific tree planting schedule, and shall not exceed the time allowed in the temporary occupancy permit. If certification is not received within this time frame, it will be considered a violation of the Zoning Code and the developer will be subject to daily fines until certification has been received.

C. ADMINISTRATIVE REVIEW.

After receipt of the landscaping plan, the Urban Development staff shall:

1. Approve the landscaping plan as complying with the requirements of this Chapter; or
2. Approve the landscape plan with conditions which bring it into compliance with the requirement of this Chapter; or
3. Reject the landscape plan as failing to comply with the requirements of this Chapter.

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D. ALTERNATIVE COMPLIANCE.

If the City Planner rejects the landscape plan, the applicant may request, after payment of a fee as set by the Master Fee Schedule, that the Board of Adjustment review the plan and determine that the plan as presented implements the intent of the Chapter although it does not meet the technical requirements of this Chapter. However, in the case of such an appeal, public notice shall be given to the abutting property owners and a notice published in the paper.

SECTION 12-304 DEFINITIONS.

The Zoning Code of the City of Sapulpa, be and the same is hereby amended by adding the following definitions:

“Caliper” shall mean the diameter of the tree trunk measured at six (6) inches above ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at twelve (12) inches above ground level for a tree trunk exceeding four (4) inches.

“Developed area” shall mean the area of a lot which, on the adoption date, is covered by a structure, off-street parking or loading areas or other areas paved with all-weather material.

“Drip line” shall mean the periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

“Existing buildings” shall mean buildings completed and existing at the time of application for the building permit.

“Landscaped area” shall mean, within a lot, the unpaved area containing grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools, or planters.

“Street yard” shall mean the minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (nonresidential) and an abutting public street.

“Tree” shall mean a woody plant and shall be one of the varieties listed in and included in Appendix C to the city zoning code.”

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CHAPTER 4

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SECTION 12-401 TITLE

These regulations shall hereafter be known as the Subdivision Regulations of the City of Sapulpa and referred to as "Regulations" in this text.

SECTION 12-402 AUTHORITY

The Sapulpa Metropolitan Area Planning Commission (hereafter referred to as "Planning Commission") pursuant to the powers vested through Title 19, Oklahoma Statutes, Chapter 19.a, Sections 12 and 13, as amended, does hereby exercise the power and authority to review, approve and disapprove plats for the subdivision of land within the City of Sapulpa.

SECTION 12-403 PURPOSE AND INTENTION

The purpose and intention of these Regulations is a follows:

1. To provide for the physical development of the City of Sapulpa in accordance with the Comprehensive Plan and the Major Street and Highway Plan;
2. To provide for the most beneficial relationship between the development of land and buildings, and the circulation of traffic throughout the City of Sapulpa, particularly regarding, but not limited to, the following: avoidance of congestion of streets and highways; providing for appropriate

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movement of traffic and pedestrians for various uses of land; and providing for the proper location of streets and of building lines;

3. To secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or to the Comprehensive Plan or plans for the area; for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, police and other emergency vehicles, parking lots, parks, light and air; and for the avoidance of the congestion of population;
4. To establish a subdivision process that is expeditious, efficient and cost effective as possible, while providing for the public health, safety, convenience and general welfare;
5. To ensure that proper legal descriptions, monumenting of land and adequate and accurate record of platting and land subdivision are kept in conjunction with the subdivision process;
6. To insure that public facilities and utilities are available that will have sufficient capacity to serve the proposed subdivision while providing for the orderly development of the general community.
7. To consider the natural beauty and topography of the City of Sapulpa and to encourage appropriate development with regard to all natural features; and
8. To provide that the costs of improvements that primarily benefit the tract of land being developed be borne by the owners and developers of the tract.

SECTION 12-404

JURISDICTION

These Regulations shall apply to the subdivision of all land within the corporate limits of the City of Sapulpa, as established by law now in effect or as may be amended from time to time. These Regulations shall apply to the following forms of land subdivision:

1. The division of land into two or more tracts, lots, sites, parcels, units, plots, or interests for the purpose of sale, lease or development, any one of which when subdivided shall contain less than ten (10) acres in area; or
2. The division of land previously subdivided or platted into tracts, lots, sites, parcels, units, plots, or interests of less than ten (10) acres in area; or

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3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public or private utility companies; or
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

SECTION 12-405 CONFLICT WITH PUBLIC OR PRIVATE PROVISIONS

1. Public Provisions

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation or statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other ordinance, rule, regulations, or other provision of law, whichever provision is more restrictive shall control.

2. Private Provisions

These Regulations are not intended to interfere with, abrogate, or annul any easement, covenant, or any other private agreement or restriction, provided that where these Regulations are more restrictive, or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall control.

SECTION 12-406 SEVERABILITY

If any part or provision of these Regulations or the application thereof shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other part, section, clause, paragraph, portion or provision of these Regulations.

SECTION 12-407 SAVING PROVISION

These Regulations shall not be construed as abating any action now or pending under, or by virtue of, prior existing Regulations, or as discontinuing, abating, or modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City, except as expressly provided in these Regulations.

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SECTION 12-408 AMENDMENTS

For the purpose of providing for the public health, safety, convenience and general welfare, the Planning Commission may, from time to time, recommend amendments to the provisions of these Regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law. The recommendations of the Planning Commission on amendments to these Regulations shall be forwarded to the City Council for final approval and adoption.

SECTION 12-409 CONDITIONS OF APPROVAL

The regulation of the subdivision of land and the attachment of reasonable conditions of approval to the regulations of land, is a valid exercise of the police power delegated to the City of Sapulpa by the State of Oklahoma. The subdivider has the duty to comply with said reasonable conditions laid down by the Planning Commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economic development of the City of Sapulpa and to the safety and general welfare of future owners of realty in the subdivided land and the community at large.

SECTION 12-410 SUBDIVISION REQUIREMENT AND WAIVER

For any land which has been rezoned upon application, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat; as the case may be, submitted to and approved by the Planning Commission or City Council and filed of record in the office of the County Clerk where the property is located. The Planning Commission, upon a showing that the purposes of these Regulations have already been achieved by a previously approved subdivision or would not be achieved by a plat or replat, may waive the requirements for a plat or replat.

SECTION 12-411 MODIFICATIONS

1. General

The design requirements of these Regulations may be modified by the Planning Commission where unusual topographic or other exceptional conditions require such modification, to the extent that the Planning Commission determines that the purpose of these Regulations may be served by an alternative proposal. The Planning Commission shall not approve any modification to any procedural requirement of these Regulations or other such modification where the granting of such will be detrimental to the public safety, health, general welfare, or be injurious to other public or private property or improvements, or where the granting of such modification will diminish in any way the intent of any governing zoning code or the Comprehensive Plan.

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2. Conditions

In approving modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the intent, objectives, standards and requirements of these Regulations.

3. Procedure

A request for such modification shall be submitted to the Planning Commission in writing by the subdivider at the time when the preliminary plat is submitted for consideration of the Planning Commission. The request for modification shall state fully the grounds for the application and all facts relied upon by the subdivider.

4. Approval

Such modification may be granted only by the affirmative vote of two-thirds (2/3) of the members of the Planning Commission subject to the approval of the plat and acceptance of the dedications shown thereon by the City Council.

SECTION 12-412 TENSE AND DEFINITION

For the purpose of these Regulations, certain terms and words are to be used and interpreted as defined in Section 7 herein. Words in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular, except where the construction of the writing indicates otherwise. The words "should" and "may" are directory and not mandatory. The word "shall" is mandatory and not directory.

SECTION 12-413 PENALTY

1. Any person, firm or corporation, who shall violate any of the provisions of these Regulations, or shall fail to comply therewith, shall be deemed guilty of an offense and shall be liable for a fine as provide herein. Each day of such violation shall constitute a separate offense. In addition to the remedies provided herein, the City may institute any other action or proceeding to enforce these Regulations.

2. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.

3. Whoever, being the owner or agent of the owner of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the City

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of Sapulpa and filed of record in the office of the County Clerk, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less than ten acres where such tract was not shown of record in the office of the County Clerk as a separately owned at the effective date of the Regulations here provided and not located within a subdivision approved according to law and filed of record in the office of the County Clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Planning Commission, including approval by the City Council, as applicable, by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties provided below and such transaction shall be unlawful and shall not be recorded by the County Clerk.

4. A violation of these Regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these Regulations shall be fined not less than five (\$5.00) nor more than twenty dollars (\$20.00) including costs for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

SECTION 12-414 TECHNICAL ADVISORY COMMITTEE

1. General

There is hereby created a subdivision Technical Advisory Committee (TAC). The TAC shall be responsible for coordinating review and comments, and making reports and recommendations to the Planning Commission on all matters pertaining to the subdivision of land.

2. Committee Membership

The TAC shall be composed of representatives from departments, agencies and offices involved in the subdivision process including, but not limited to the following: City Planning, City Engineering, City Water and Sewer Department, Police Department, Sheriff Department, Fire department, Oklahoma Department of Environmental Quality, School Board, City Park Department, Federal Housing Administration, utility companies, and the U.S. Soil Conservation Services. The Sapulpa City Planner, or the City Planner's designee shall serve as the Chairperson of the TAC and be responsible for calling meetings, and preparation of the minutes and record of all proceedings.

3. Meeting Dates

The TAC shall schedule meetings prior to the Planning Commission meeting and shall otherwise meet upon the call of the Chairperson. Schedules of all TAC regular meeting dates and cutoff dates for filing plats to be reviewed by the TAC will be posted and available in the Planning Commission offices.

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4. Recommendations

It shall be the responsibility of the TAC to meet together on the call of the Chairperson, to review and study all preliminary plats, final plats and lot splits and related matters and to submit its findings and recommendations to the Planning Commission.

SECTION 12-415 COMPUTER AIDED DRAFTING OF PLAT AND RECORD DRAWINGS

Subdividers with the capability of generating computer layouts and system drawings for plats, water, sanitary sewer, paving, drainage, grading, etc. shall provide the Public Works Department with computer files of such drawings.

SECTION 12-416 FILING AND PERMIT FEE

There shall be paid a filing fee for each sketch plat and final plat as reflected in the Master Fee Schedule.

There shall also be an engineering review fee for each subdivision preliminary plat and/or PUD and a fee for non-floodplain commercial / industrial developments and a fee for commercial / industrial additions less than 1CFS with no detention design/build as reflected in the Master Fee Schedule.

All such fees for subdivisions located within the corporate area of the City shall be paid to the City Clerk.

Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary approval without payment of an additional filing fee by the subdivider, providing the final plat for the additional area conforms substantially with the approved preliminary plat.

Any developer and/or owner is hereby required to apply for and obtain from the Urban Development Department of the City a Site Preparation Permit, Subdivision Road Grading Permit and Erosion Control Permit, in addition to any other required building or zoning permits, for any development under the jurisdiction of these Regulations. There is hereby imposed a fee for each such permit as set forth in the Master Fee Schedule.

SECTION 12-417 EXEMPTIONS

Plats containing four lots or fewer may be exempted from the provisions of all or part of procedural provisions of these Regulations upon written approval of the Planning

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Commission, but such exemption shall not change or diminish the requirements relating to design or to improvements or to other provisions of these regulations.

SECTION 12-418. APPLICATION - SKETCH PLAT

1. Discussion of Requirement for a Sketch Plat

Before preparing the preliminary plat for a subdivision, the subdivider is encouraged to and at the option of the Planning Commission may be required to prepare a sketch plat after a conference with the Planning Commission Staff. If a sketch plat is required, the subdivider will be advised of the following:

- a. The procedure for approval of a subdivision plat;
- b. Relevant provisions of the Comprehensive Plan, Zoning Code, these Regulations and other development related regulations;
- c. Requirements as to the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters;
- d. Availability of existing services and utilities; and
- e. Where applicable, to discuss the proposed subdivision with those officials and departments which must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

2. Procedures

The following procedures must be followed in the processing of a sketch plat:

- f. A minimum of ten (10) copies of the sketch plat shall be submitted to the Planning Commission Staff at least three (3) weeks prior to the meeting of the Technical Advisory Committee;
- g. The Planning Commission Staff shall transmit the sketch plat for review to the applicable officials or agencies and notify any city, town or county within three miles of the proposed subdivision;

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- h. The Technical Advisory Committee shall review the sketch plat and make a report and recommendation to the Planning Commission at the next regular meeting.
- i. At the subdivider's request, the Planning Commission will review the sketch plat and the report and recommendation of the Planning Staff and Technical Advisory Committee;
- j. After the Planning Commission meeting at which the sketch plat is first reviewed, the Planning Commission, if necessary, may schedule a field trip to the site of the proposed subdivision, accompanied by the Planning Staff, and the subdivider or subdivider's representative;
- k. After review and discussion of the sketch plat, the recommendations and reports of the Planning Commission Staff and Technical Advisory Committee, the Planning Commission shall advise the subdivider of any specific changes or additions that will be required in the layout and character and extent of required improvements and reservations that will be required as a prerequisite to approval of the subdivision plat. The Planning Commission may also require additional changes to the proposed subdivision in later stages of the review and approval process as a result of further study and review of the subdivision plat; and
- l. The Planning Commission shall approve with conditions or disapprove the sketch plat at its next regularly scheduled meeting.

SECTION 12-419 PRELIMINARY PLAT AND PRELIMINARY CONSTRUCTION PLANS

1. Application Procedures and Requirements

The subdivider shall submit a preliminary plat for approval. A minimum of twenty-five (25) copies of the preliminary plat shall be submitted for review and approval and shall:

- a. e accompanied by an application, a certified list prepared by a licensed abstractor of all abutting property owners of record in the office of the County Clerk in which the property being subdivided is located, a minimum of three (3) copies of the preliminary construction plans and a filing fee as established by the Planning Commission;

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- b. Comply in all aspects with the approved sketch plat, if applicable;
 - c. Be filed with the Planning Commission at least four (4) weeks prior to the Planning Commission meeting at which it will be considered; and
 - d. Include for review by the TAC and Planning Commission staff public and private covenants and deeds of dedications that will appear on the face of the final plat. See Appendix for recommended language.
2. Review
- a. The Planning Commission Staff shall:
 - (1) Distribute copies of the preliminary plat to applicable officials, agencies, or departments, and if a sketch plat was not processed notify any city or town within three (3) miles of the proposed subdivision and the county in which the plat is located;
 - (2) Field check the area being platted;
 - (3) Review the preliminary plat for conformance with the Comprehensive Plan, Zoning Ordinance, Planned Unit Development conditions, Board of Adjustment actions, and these Regulations and prepare the applicable report and recommendations. This report shall include specific recommendations on any modifications of these Regulations requested by the subdivider; and
 - (4) Send written notice of the application to all abutting property owners at least seven (7) days prior to the Planning commission meeting.
 - b. The subdivider shall submit preliminary construction plans for the proposed improvements at the time of application for approval of the preliminary plat to the following departments and/or agencies as applicable:
 - (1) The City Engineer shall review and approve the preliminary construction plans for improvements regarding drainage, storm sewers, streets, sidewalks and pedestrian ways, in accordance with the adopted Engineering Design Criteria Standard specifications;

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(2) The City's Public Works Department and/or applicable water or sewer authority shall approve preliminary sanitary sewer and water improvement plans in accordance with the adopted Engineering Design Criteria Standard Specifications; and

(3) The Oklahoma Department of Environmental Quality shall approve preliminary plans for water and sanitary sewer improvements in accordance with adopted standards if the subdivision is to be served by private water or sewer disposal systems.

c. The Technical Advisory Committee shall review the preliminary plat and make a recommendation to the Planning Commission at the Planning Commission's next regularly scheduled meeting. This recommendation shall include specific recommendations on any modifications of these Regulations requested by the subdivider.

3. Hearing and approval

a. The Planning Commission shall hold a hearing on approval of the preliminary plat. Notice of such hearing shall be given to all abutting property owners and to the subdivider by mailing a written notice at least seven (7) days prior to the hearing before the Planning Commission.

b. After the Planning Commission has reviewed the preliminary plat, the report and recommendation of the Planning Staff and Technical Advisory Committee and any other municipal recommendations, testimony and exhibits at the hearing, the subdivider shall be advised of any changes and/or additions required in order to comply with these Regulations.

c. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat at such meeting or within thirty (30) days (including the hearing date) after the date of the regular meeting of the Planning Commission at which the hearing on preliminary approval was held and closed.

d. If the preliminary plat is approved with a modification of any requirements of these Regulations, the reasons therefore shall be noted in the record of the review and approval proceedings of the Planning Commission.

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- e. If the preliminary plat is approved with conditions, the Planning Commission may require the subdivider to submit a revised preliminary plat.
- f. If the preliminary plat is disapproved, the reasons for disapproval shall be recorded in the review and approval proceedings of the Planning Commission.
- g. One copy of the proposed preliminary plat as acted upon by the planning Commission with the date of approval, conditional approval, or disapproval and the reasons therefore shall be retained in the Planning Commission offices.
- h. One copy of the proposed preliminary plat as acted upon by the Planning Commission shall be returned to the subdivider with the date of approval, conditional approval, or disapproval with the reasons therefore accompanying the plat.
- i. The approval of a preliminary plat shall be effective for a period of two years from the date of the approval by the Planning Commission unless otherwise approved by the Planning Commission for an extended period of time at the end of which time approval of the final plat must have been obtained from the Planning Commission and City council. Any preliminary plat not receiving approval within the period of time set forth herein, including any extensions approved by the Planning Commission, shall be null and void.
- j. Every plat shall conform to the existing Regulations applicable at the time of approval of the preliminary plat unless modifications have been granted by the Planning Commission.
- k. Subsequent to approval of the preliminary plat, the subdivider may commence construction of the public improvements in accordance with final construction plans approved by the applicable governing authority after arranging for inspection by the responsible public body of said improvements during construction.

SECTION 12-420 FINAL CONSTRUCTION PLANS

The subdivider shall submit a minimum of three (3) copies of the final construction plans for proposed improvements prior to or simultaneous with the application for approval of the final plat. The plans shall be submitted for review to the

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following departments and/or agencies as applicable and in form and content as required by that agency or department as follows:

1. The City Engineer shall review and approve the final construction plans for improvements regarding streets, sanitary sewer and water improvements, drainage and storm sewers located within a public-right-of-way and sidewalks and pedestrian ways in accordance with adopted Engineering Design Criteria Standard Specifications; and
2. The Oklahoma Department of Environmental Quality shall review and approve final plans for improvements if the subdivision is to be served by private water or sewage disposal systems in accordance with adopted standards and regulations.

SECTION 12-421 FINAL PLAT

1. Application procedure and Requirements

Following approval of the preliminary plat, the subdivider shall file with the Planning Commission an application for final approval of the subdivision plat. The application for approval of the final plat shall:

- a. Be made as prescribed in these Regulations;
- b. Comply in all respects with the preliminary plat as approved by the Planning Commission.
- c. Be accompanied by a minimum of thirty (30) copies of the final plat as described in these Regulations;
- d. Be filed with the Planning Commission at least four (4) weeks prior to the Planning Commission meeting at which it will be heard; and
- e. Include a final plat filing fee as established by the Planning Commission.

2. Review

- a. The Planning Commission Staff, City Engineer as applicable, shall review the final plat for compliance with the preliminary plat as approved by the Planning Commission.

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- b. The Planning Commission Staff shall make a recommendation to the Planning commission on whether:
 - (1) There has been compliance with all conditions, restrictions and requirements of these Regulations and all other applicable regulations or laws;
 - (2) All conditions attached to the approval of the preliminary plat have been complied with; and
 - (3) The Planning Commission should approve or disapprove the subdivision plat.

- 3. Planning Commission Review and Determination.
 - a. The final plat shall be submitted for final approval of the Planning commission and City Council, for final approval the final plat within one (1) year of the date of approval of said preliminary plat.

 - b. The Planning Commission shall at that submittal meeting or within thirty (30) days thereafter:
 - (1) Review the final plat and report of the Planning Commission Staff; and

 - (2) approve the plat if the conditions of approval of the preliminary plat have been met, or disapprove the plat if the conditions of approval of the preliminary plat have not been met and state in detail in the record of the meeting any reasons for disapproval.

 - c. If the governing body of any city or town in the County protests against a subdivision plat of any land lying within three (3) miles of the limits of the incorporated area of such city or town, the plat shall be approved by not less than two-thirds (2/3) of the members of the Planning commission with the reasons therefore stated in the minutes of the meeting.

 - d. The requirement for approval and certification of the completion of the required public improvements in accordance with the approved final construction plans shall be received by the Planning Commission Staff in the form of release letters from the applicable City Departments or agencies as required in these Regulations prior to approval of the final plat.

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4. Endorsement of Approval on the Final Plat
 - a. No final approval shall be endorsed on the final plat until all requirements of final plat approval have been met.
 - b. When the subdivider has chosen to install improvements prior to endorsement of the final plat, approval shall not be endorsed on the
 - c. When the subdivider has chosen to guarantee construction of the improvements by written agreement, approval shall not be endorsed on the plat until after the agreement has been executed by the subdivider, delivered to the Planning Commission and City Council for their review and approval, and all other conditions of approval pertaining to the plat have been satisfied.
 - d. Prior to beginning construction
 - (1) The contractor or developer shall furnish maintenance bond(s) or irrevocable letter(s) of credit and certificate of insurance prior to beginning construction. Bonds and insurance will be sent to the City Attorney for approval and returned to the City Engineer. A copy of a contractor's Bid or Proposal should accompany the bond or irrevocable letter of credit or the Consulting Engineer's cost estimate will be used in determining the amount of the bond.
 - (2) In any case where the Council or Board does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the subdivision unless a bond, in the amount of one hundred percent (100%) of the estimated cost, is posed for the portion of the drainage or utility improvements that will protect the affected area.
 - e. The parties responsible for endorsing approval on the face of the final plat shall be as follows:
 - (1) The City Manager or the authorized designee of the City Manager;
 - (2) The Planning Commission Chairperson or Vice Chairperson so authorized to sign for said Chairperson; and

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(3) The Mayor of the City of Sapulpa upon approval of the City Council.

f. The format of the endorsements of the face of the final plat shall be as specified in Figure 2 of these Regulations.

5. Filing of the Final Plat

The approved original final plat shall after being endorsed by all required officials as described in these Regulations be filed in the office of the County Clerk in which the property being subdivided is located.

6. Distribution of the Final Plat

After the final plat has been endorsed by all the required officials as described in these Regulations and filed of record with the County Clerk in the county in which the property is located, the Planning Commission Staff shall distribute copies to the applicable officials, agencies or departments and the remaining signed copies to the subdivider.

SECTION 12-422 PLANNED UNIT DEVELOPMENT

The platting of a Planned Unit Development (PUD) shall proceed in accordance with these Regulations upon approval of the PUD by the City Council, as applicable, in accordance with the applicable sections of the Zoning Ordinance and the conditions of approval of the PUD. The conditions of approval of the PUD, where applicable and as required by these Regulations and the Zoning Ordinance, shall be endorsed on the face of the plat and officially made a part thereof.

SECTION 12-423 PLATTING ACCURACY

Plats shall be prepared with the following accuracy:

1. Sketch plats shall be prepared to the scale specified herein and may be submitted in free-hand form.
2. Preliminary plats shall be drawn to the scale specified herein, with such accuracy as to determine the location of lot, block, property and boundary lines, utility lines and other facilities, to the nearest one-hundredth of a foot.

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3. Final plats shall be prepared with a minimum linear closure of 1:20,000. The following information shall be submitted on the final plat:
 - a. Traverse data for the plat, including the coordinates of the boundary of the subdivision with error of closure;
 - b. The computation of all distances, angles and courses that are shown on the final plat unless measured in the field; and
 - c. All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.

SECTION 12-424 SKETCH PLAT

1. The subdivider is encouraged and at the option of the City of Sapulpa may be required to submit a sketch plat (see Figure 3) and to receive comments and recommendations from the Technical Advisory Committee, Planning Commission Staff and Planning Commission that will facilitate processing of the preliminary plat.

2. The sketch plat may be drawn in free-hand pencil to a scale of 1"=100', except where the size or amount of detail requires another scale, and may be superimposed over a topographic map or aerial photograph.

3. The sketch plat shall show the following:
 - a. The proposed layout of streets, lots and public areas;
 - b. Boundary lines of the proposed subdivision;
 - c. Location and width of streets adjacent to the property;
 - d. Existing utilities on or adjacent to the property showing type, location and size;
 - e. Existing watercourses, floodplains based upon the regulatory flood and storm drainage; and
 - f. A topographic map of the area proposed to be subdivided with contour lines having two (2) foot contour intervals based on the United States Coastal and Geodetic Survey Datum.

SECTION 12-425 PRELIMINARY PLAT

1. The preliminary plat (see Figure 4) submitted for approval shall be prepared by a registered professional land surveyor. The application shall include the names and addresses of the area being subdivided.

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2. The preliminary plat shall be drawn to a scale of 1"=100'; provided, that if the property to be subdivided is less than two (2) acres, the scale may be 1"=50'. If the property being subdivided exceeds 100 acres, the scale may be 1"=200'.

3. The preliminary plat shall show or be accompanied by the following information:

- a. The name and addresses of the owner or owners of the land to be subdivided;
- b. The name and address of the registered professional land surveyor preparing the proposed subdivision;
- c. The date of preparation of the plat, north arrow and scale (written in graphic presentation);
- d. Key or location map showing the location of subdivisions within the mile section;
- e. An accurate legal description;
- f. The location and dimensions of all boundary lines of the proposed subdivision to the nearest one-hundredth of a foot.
- g. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways adjacent to the property.
- h. The location and widths of easements of all oil, gas and petroleum products pipelines and the location and widths of easements of existing utilities on the adjacent to the property, and any required building setbacks there from;
- i. The location of oil or gas wells, either existing active or inactive wells, plugged or unplugged abandoned wells, as shown by the records of the Oklahoma Corporation Commission and by such other oil and gas well service records as may be required by the City of Sapulpa.
- j. The location and description of all existing structures, water bodies and watercourses, and other natural or manmade features (including but not limited to mines that are active or abandoned, caves, etc.) on the property being platted;

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- k. Areas subject to flooding based upon the regulatory flood;
- l. Names, locations and widths of all proposed streets;
- m. The location of drainage ways, pedestrian ways, bike paths, parks, playgrounds, public ways, or other public or private reservations;
- n. All proposed lots numbered, lot dimensions and building setback lines;
- o. All blocks numbered consecutively;
- p. A topographic map of the area proposed to be subdivided with contour lines having two (2) foot contour intervals based on the United States Coastal and Geodetic Survey datum; and
- q. Any other information, including covenants and deeds of dedications, as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.

SECTION 12-426 PRELIMINARY CONSTRUCTION PLANS

The preliminary construction plans for improvements shall be submitted for review and preliminary approval with the preliminary approval with the preliminary plat, and shall be prepared by a professional engineer registered in the State of Oklahoma. Plans shall be submitted in accordance with the requirements and specifications of the department or agency having jurisdiction over the improvements and shall show:

1. The location and proposed width of each street, sidewalk and pedestrian way;
2. The location of proposed sanitary sewers and water distribution systems;
3. The proposed plans and specifications for any privately owned water or sanitary sewage system if such a system is to be used.
4. The results of soil percolation tests, if septic tank sewage disposal systems are to be used;
5. A drainage plan indicating the location of proposed storm sewers, location and width of proposed open drainage ways; and

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6. The proposed location and size of stormwater detention or retention facilities if said facilities are required.

SECTION 12-427 FINAL CONSTRUCTION PLANS

The final plans for improvements shall be submitted for review and approval prior to approval of the final plat and shall be prepared by a registered professional engineer and shall be submitted in accordance with the requirements and specifications of the department or agency having jurisdiction over the improvements and include, at a minimum, the following information.

1. Profiles showing existing and proposed elevations along the center lines of each proposed street, with existing and proposed grades;
2. Cross-sections of each proposed street, pedestrian way and sidewalk showing the type and width of pavement;
3. Plans and profiles showing the location of proposed sanitary sewers, with the grades and sizes indicated;
4. Plans and specifications for privately owned water or sanitary sewage system, if such a system is to be used;
5. Results of soil percolation tests, if a septic tank sewage system is to be used;
6. Plans and profiles of proposed water distribution system, showing pipe sizes and the location of all valves and fire hydrants; and
7. A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, retention or detention facilities, watercourses, culverts and other drainage structures within the tract, or adjacent thereto, with pipe sizes, grades and water openings. The drainage plan shall also show the size of dedicated easements reservations for all detention facilities and drainage ways and whether private or public maintenance is proposed.

SECTION 12-428 FINAL PLAT

1. The final plat shall be drawn at the same scale as the preliminary plat, and include all the information required as a condition of approval of the preliminary plat and be prepared by a registered professional land surveyor.

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2. The final plat shall be drawn in accordance with the requirements of Oklahoma State Law and these Regulations (see Figure 5). The County Clerk may accept variances to these requirements because of the state of the art of reproductive capabilities.
3. The following information shall e required on the final plat:
 - a. Name of the subdivision;
 - b. The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner and the name and address of the registered land surveyor preparing the final plat;
 - c. The date of preparation of the plat, north arrow and scale (written and graphic presentation);
 - d. Key or location map showing the location of subdivisions within the mile section;
 - e. An accurate legal description of the property;
 - f. The total acres and total number of lots in the subdivision;
 - g. The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways, adjacent to the property;
 - h. The boundary of the subdivided area, block boundary, street and other right-of-way lines and distances, angels and/or bearings, and where these lines follow a curve, the central angle, radius, points of curvature, length of the cure and he length of intermediate tangents;
 - i. The accurate dimensions of all property to be offered for dedication for public use and all property for the common use of the property owners within the subdivision with the purpose of use stated on the plat;
 - j. The dimensions of all lots and lot lines and the bearings of all lot lines not parallel or perpendicular to the street right-of-way line;

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- k. All easements shall be denoted by fine dashed lines, clearly identified and dimensioned, and if already of public record, the recorded reference of such easements, the width of the easements with sufficient ties to accurately locate it with respect to the subdivision must be shown;
- l. The boundary lines of the fully urbanized 100 year flood plain shall be delineated on the face of the plat and the following certifications shall be placed on the face of the plat: "The contents of the fully urbanized floodplain are contained within the drainage easements and/or reserve areas as shown."
- m. Easements located outside the boundaries of the plat and required for plat approval;
- n. The deeds of dedication and any deed restrictions applicable to the subdivision shall be shown;
- o. The location of every oil or gas well, either existing active or inactive wells, plugged or unplugged abandoned wells, as shown by the records of the Oklahoma Corporation Commission and by such other well service records as may be required by the City of Sapulpa;
- p. The location of any mines (active or abandoned), caves and other similar manmade or natural geological features;
- q. Blocks shall be consecutively numbered and all lots within each block shall also be consecutively numbered;
- r. The basis of all bearings shall be noted on the face of the plat;
- s. The size, location, description and identification of all monuments to be set. The size, location and identification of all monuments found, found and accepted, retagged, recapped and replaced in making the survey shall be shown to assure the perpetuation or re-establishment of any point or line of the survey;
- t. Coordinates of all block corners, points of intersection, points of curve, points of tangent, points of reverse curve, points of compound curve, center of the cul-de-sac, and center of the eyebrow;

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- u. Any other information as may be deemed by the Planning Commission as necessary for the full and proper consideration of the proposed subdivision; and
 - v. The final plat certificate of approval block, shall be marked on the face of the final plat.
4. The following written certifications will be required prior to final plat approval by the Planning Commission, City Council:
- a. Certification by the registered professional land surveyor as to the accuracy of the survey and of the plat and that the monuments and bench marks are accurate as to location shown;
 - b. Certification by a registered professional engineer that the design of the required improvements is in conformance with the Engineering Design Criteria Standard Specifications and other standards, requirements, and provisions of the applicable agency or department of these Regulations;
 - c. Certification by the City Engineer that the subdivision plat conforms to all locally adopted standards, specifications, these Regulations and the Engineering Design Criteria Standard Specifications;
 - d. Certification by the Oklahoma Department of Environmental Quality that the subdivision conforms to the applicable health regulations; and
 - e. Certification by the City Public Works Department or other applicable authority that the subdivision conforms to all applicable regulations concerning public water supply and sanitary sewer facilities.
5. The following supplemental information shall be submitted with the final plat:
- a. Current certification by a bonded abstractor of the names of the last grantees of record owning the entire interest in the property being subdivided plus holders of mortgages and liens filed of record;
 - b. The consent of all owners of the subject property to the plating of the property;

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- c. Certificate of notice as to the platting of the property to the holders of mortgages and liens thereon; and
- d. Current certification from the Oklahoma Corporation Commission setting forth the status of all oil and gas drilling and related activity on said property and as otherwise required in these Regulations.

SECTION 12-429 GENERAL PLANNING DESIGN REQUIREMENTS

The design of each subdivision shall be in accordance with the applicable zoning regulations, the policies, goals and objectives of the Comprehensive Plan, these Regulations and the Engineering Design Criteria Standard Specifications. Each subdivision shall relate harmoniously to the existing and planned surrounding development and to the community as a whole. The development of each subdivision shall proceed in an orderly, safe, efficient, and attractive manner once construction is started. The following planning and design requirements shall be addressed in each subdivision:

1. Neighborhood Concept

The Neighborhood Concept shall be recognized in the design and development of each subdivision as described in the Comprehensive Plan. This concept is shown graphically in figure 6.

2. Site Characteristics

Each subdivision plat shall, to the extent practical, be designed to retain the natural topography and vegetation of the site in the building and recreational areas.

3. Parks and Open Spaces

Each subdivision shall contribute to the provision of parks and open spaces (see Figure 7) as required in these Regulations and in accordance with the Comprehensive Plan. Areas purchased or otherwise set aside for public parks and open spaces shall include tracts of land on which unique natural features should be preserved, as well as those lands of suitable size and shape for development as passive and active recreational areas. Environmentally sensitive areas, such as steep slopes, timbered areas, streams and floodplains may, only with the approval of the City of Sapulpa be designated by the subdivider as public park and/or open space areas and utilized as amenities to the development.

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4. Circulation

The street and sidewalk system of a subdivision shall be appropriately designed and related to the proposed land use. The density of the proposed development will determine the size of right-of-way and paving in keeping with the areas being served as well as being in accordance with these Regulations, the adopted Engineering Design Criteria Standard Specifications, the Comprehensive Plan and the Major Street and Highway Plan. Residential streets shall be laid out so that their use by through traffic will be discouraged. Arterial streets should serve as the boundaries of neighborhoods.

SECTION 12-430 STREETS

1. General

The arrangement, character, extent, width grade and location of all streets shall conform to these Regulations, the Engineering Design Criteria Standard Specifications, the Comprehensive Plan and the major Street and Highway Plan. Further, the relationship of existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served shall be considered in the determining the arrangement, character, extent, width, grade and location of all streets, Where streets are not shown on the Comprehensive Plan or the major Street and Highway Plan, the arrangement of such streets in a proposed subdivision shall:

- a. Provide for the continuations or applicable projections of existing streets in the surrounding areas;
- b. Conform to a plan for the neighborhood as reviewed by the Planning Commission and approved by the City Council unless to meet a particular situation in which topographical or other conditions make continuance or conformance to exiting street patterns impracticable; and
- c. Where the plat to be submitted includes only a part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the undivided portion of the tract may be required by the Planning Commission.

2. Access

- a. Each lot in a proposed subdivision shall be provided with access to a public street, or highway to assure the convenience of the lot owner, and including but not limited to access for the following

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public purposes: for adequate and convenient open spaces for traffic, utilities, solid waster collection, access of fire fighting apparatus, police and other emergency vehicles, parking lots, parks, light and air, and for the avoidance of congestion.

- b. Reserve strips controlling access to streets shall be prohibited except where the control of such reserve strips is placed with City of Sapulpa under conditions reviewed by the Planning Commission and approved by the City council.
- c. Where a subdivision abuts or contains an existing or planned arterial street:
 - (1) Nonaccess provisions controlling ingress and egress to such arterial streets may be required by the Planning Commission in accordance with adopted standards to assure traffic safety and to relieve congestion at intersections.
 - (2) The Planning Commission may require reverse frontage lots with limits of access or nonaccess reservations along the rear property line or such other treatment as may be necessary for adequate protection of residential properties affording separation of arterial traffic from ingress and egress to individual lots.

3. Border Streets

Where a subdivision borders or contains a railroad right-of-way, drainage way, park, open space are or limited access highway, the Planning Commission may require a street (see Figure 8) approximately parallel to and on each side of such right-of-way or areas at a suitable distance while providing for the applicable use of the intervening land, such as fore park or open space uses in residential districts, or for commercial or industrial purposes in applicable districts. Such distances shall also be determined with due regard for the requirements of approach grade and future grade separations.

4. Marginal Access Streets

Where a residential street abuts or contains an existing or proposed street and the subdivider elects to design lots that front the arterial street, the Planning Commission may require marginal access streets from adequate protection of these properties and to afford separating of arterial traffic from the ingress and egress to individual residential lots.

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5. Dedication of Right-of-Way

Whenever an existing major street is located adjacent to the outer edge of a subdivision, one-half (1/2) of the right-of-way or areas at a suitable distance while providing for the applicable use of the intervening land, such as for park or open space uses in residential districts, or for commercial or industrial purposes in applicable districts. Such distances shall also be determined with due regard for the requirements of approach grade and future grade separations.

6. Alignment

The design speed of residential streets and minimum distance between the centerlines of intersecting streets shall be in accordance with the Engineering Design Criteria Standard Specifications.

7. Right-of-Way Widths

The right-of-way widths of all proposed streets shall be in accordance with the Major Street and Highway Plan (see Figure 9) and where not designated therein, the minimum width shall not be less than the following:

TYPE OF STREET	RIGHT-OF-WAY
Freeway/Beltway	As per ODOT and City or County Standards
Primary Arterial	120'*
Secondary Arterial and Secondary Arterial Alternate	100'**
Commercial Collector/Industrial Collector, Commercial/Industrial Street with Open Drainage, Commercial Business District Street	80'
Residential Collector, Residential Street with Open Drainage, Commercial/Industrial Street	60'
Residential or Minor Street Alleys	60'
Commercial and Industrial Residential	20' 20'

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- * 130' Minimum Right-of-Way is required for a right turn lane at the intersections of all primary arterials to extend a distance of 388' paralleling the right side of said street. See Figure 10.
 - ** 110' Minimum Right-of-Way is required for a right turn lane at the intersections of all secondary arterials to extend a distance of 388' paralleling the right side of said street. See Figure 10.
 - a. If green ways or drainage ways influenced by topographical features, streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, then the width and location of the right-of-way shall be ultimately determined by the City of Sapulpa as may be deemed necessary to preserve such features.
 - b. The pavement width, standards for street surfacing, curb and guttering, storm sewer design or open space drainage shall be in accordance with the Engineering Design Criteria Standard Specifications.
3. Cul-de-sacs
- a. As a general rule, cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around, and shall have a turn-around radius at the property line of not less than fifty (50) feet.
 - b. If a cul-de-sac is more than 150 feet in length, it shall be provided with a turnaround having a radius of not less than 50 feet at the property line and not less than 40 feet at the curb line.
 - c. When topography or other physically limiting factors and the needs of specific situations make changes to cul-de-sac design standards necessary to secure the best overall design, a variance from these Regulations by the Planning Commission, upon a recommendation from the Technical Advisory Committee, may be allowed.

4. Intersections

Street intersections shall be designed as follows:

- a. Streets shall be designed to intersect at right angles as permitted by topography and other limiting factors.
- b. Four-way intersections of minor streets shall be avoided. Three-way T-intersections shall be used for minor interior residential

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streets wherever practicable. Any conflict with other applicable design principles and standards should be avoided.

- c. Street jogs with centerline offsets or less than 125 feet shall be avoided.
- d. Points of access to arterial streets should be limited in number.
- e. Minor street intersections with arterial streets should be no closer than 600 feet from the intersections of other minor and arterial streets.

5. Grades

Street grades shall be designed as follows:

- a. The maximum grade for nonarterial streets shall be in accordance with the Engineering Design Criteria Standard Specifications.
- b. All changes in grade shall be connected by vertical curves and designed for safe stopping sight distances and otherwise be in accordance with the Engineering Design Criteria Standard Specifications.
- c. The maximum grade of a residential street when intersecting an arterial street shall be in accordance with the Engineering Design Criteria Standard Specifications.
- d. The maximum grade of residential streets at intersections with other residential streets shall be in accordance with the Engineering Design Criteria Standard Specifications.
- e. Street grades shall be established in such a manner as to avoid excessive grading or removal of tree growth whenever possible.

6. Curvature

The radius of curvature on the centerline of all streets shall be designed to reflect the associated design speed and be in accordance with the Engineering Design Criteria Standard Specifications.

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7. Street Names and Numbers

- a. No names shall be used that will duplicate or be confused with the names of existing streets. Street names and numbering shall be in accordance with the adopted policy of the City of Sapulpa. Where a street or avenue is an extension of an existing street or avenue, new names or numbers may only be used subject to the approval of the Planning Commission and City Council.
- b. Lot address numbers shall be assigned by the Planning Department and shown on an address plat prepared by the developer.

SECTION 12-431 SIDEWALKS

The relationship to existing and planned streets, topography, public convenience and safety, and the proposed use of the land being subdivided shall be considered in determining the requirements, arrangement, character, extent, width, grade and location of all sidewalks. Sidewalks shall be constructed in accordance with the Engineering Design Criteria Standard Specifications and as follows:

1. Sidewalks shall be constructed within the dedicated right-of-way and shall be required in accordance with these Regulations.
2. All sidewalk layouts and designs for primary and secondary arterial streets the central business district and other commercial and industrial areas shall be furnished by the City Engineer.
3. Sidewalks shall provide for safe and convenient access for persons with disabilities, including those persons in a wheelchair. Curb ramps shall be constructed in accordance with standard details.
4. The Planning Commission may require (in order to facilitate pedestrian access to schools, parks, playgrounds) perpetual unobstructed easements of not more than ten (10) feet in width to provide adequate pedestrian circulations.

SECTION 12-432 ALLEYS

Alleys shall be designed and provided as follows:

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1. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, that is consistent with and adequate for the intended uses.
2. The right-of-way width for alleys serving commercial and industrial areas shall be not less than thirty (30) feet.
3. Alleys are not required for residential areas, but when provided, the right-of-way width for residential alleys shall not be less than twenty (20) feet.
4. Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
5. Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Commission.

SECTION 12-433 BLOCKS

The length, width and shape of blocks shall be suited for the planned use of the land, be consistent with zoning requirements and the need for convenient access, control and safety of street traffic and the limitations of the topography. Block length and width shall be designed as follows:

1. Length

Block lengths in residential areas shall not be greater than fifteen hundred (1500) feet. In those cases where length of the block exceeds one thousand (1000) feet, the Planning commission may require easements for pedestrian ways through the block which shall have a minimum width of ten (10) feet and a paved sidewalk constructed in accordance with the Engineering Design Criteria Standard Specifications and these Regulations.

2. Width

Blocks for residential areas shall have sufficient width to provide for two (2) tiers of lots of applicable depth except on the boundaries of the subdivision or as required to separate residential development from other types of through traffic. Blocks intended for commercial or industrial uses should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities. Blocks for such uses should not normally exceed six hundred (600) feet.

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SECTION 12-434 BUILDING LINES

Building lines shall be provided for all residential subdivisions as follows:

1. A front building line shall be located not less than twenty-five (25) feet back of the street right-of-way line.
2. On any lot abutting a major street or highway front yard, setback lines shall be established parallel to and a minimum distance of seventy-five (75) feet from the center line of the major street, but in no case shall any setback line be located less than twenty-five (25) feet from the right-of-way line of the major street. On any corner lot formed by the intersection of two (2) major streets or highways, the lot shall be considered as abutting on both major streets or highways and the same setback requirements shall apply to both front and side yards.
3. a side yard building line on the side of a corner lot abutting the street shall be located a minimum distance of fifteen (15) feet back of the street right-of-way when such lot is back to back with another corner lot, and not less than twenty (20) feet back of the street right-of-way line in every other case.
4. A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side on a lot abutting a mid-block crosswalk.
5. Restrictions shall be made requiring that all buildings to be used for residential purposes to set back from side lot lines at least five (5) feet on all interior side lot lines and not less than twenty-five (25) feet from rear lot lines.
6. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.
7. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

SECTION 12-435 LOTS

Lots shall be designed as follows:

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1. Configuration

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and the proposed type of development.

2. Access

Every lot shall have frontage on and abut a public street dedicated and maintained by the City or abut a publicly approved private street in a Planned Unit Development, or have other publicly approved access.

3. Zoning Requirements

Lot dimensions, yards, building setback lines and lot area shall conform to the minimum requirements of the Zoning code unless varied by the Board of Adjustment or superseded and specified to be otherwise in a Planned Unit Development or be as provided below:

- a. Residential lots shall be a minimum of fifty (50) feet in width at the front building line and shall abut a street a minimum distance of thirty-five (35) feet; except that a corner lot shall be a minimum of sixty (60) feet in width at the front building line.
- b. Side lot lines should be approximately at right angles to straight street lines or radial to curved street center lines.
- c. The depth of residential lots shall be not less than one hundred twenty (120) feet.
- d. The area of residential lots shall be not less than six thousand (6,000) square feet.
- e. In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than twenty thousand (20,000) square feet and the minimum width of the lot at the front building line shall be one hundred (100) feet.
- f. Lots are not required for subdivisions for commercial and industrial use, but when provided should be of applicable size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.

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- g. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- h. A planting screen easement of at least twenty (20) feet shall be provided along the portion of the lots abutting such traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

4. Private Sewer and /or Provide Water

Where a proposed subdivision is not served by a public sewer and/or public water system, lot dimensions and area shall conform to the requirements of the Oklahoma Department of Environmental Quality.

5. Corner Lots

Lots at the intersections of streets should exceed the minimum Zoning Code lot area requirements to provide adequate building areas and building setbacks from intersecting streets.

6. Lot Depth

Excessive lot depth in relation to lot width is discouraged. A proportion of 1:1 or 2:1 will normally be considered applicable.

7. Lot Lines

Side lot lines should be at approximately right angles to straight street lines or radial to curved street lines.

8. Parking and Loading

Commercial and industrial lots should be of an appropriate size and shape to provide adequate off-street parking and loading facilities.

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9. Double Frontage and Reverse Frontage Lots

Double frontage and reverse frontage lots should be avoided except where necessary to provide separation of residential development from through traffic or to overcome disadvantages of terrain and orientation.

10. Acre Lot Subdivisions

When land is subdivided into one (1) acre lots or greater, consideration should be given to the opening of future streets and further subdivision.

SECTION 12-436 EASEMENTS

Proposed subdivisions shall provide for easements (see Figure 12) as follows:

1. General

Easements shall be provided and dedicated in accordance with the Engineering Design Criteria Standard Specifications and these Regulations. Regarding the dedication of required easements, the subdivider shall stipulate that no building, structure, or other above or below ground obstruction shall be placed, erected, installed or permitted on such easement in a manner that will, in the judgment of the City of Sapulpa, interfere with installation, operation, maintenance, repairing, removing, or replacing of utilities.

2. Width

Easements, where necessary, shall be of a minimum width of twenty-two (22) feet, eleven (11) feet on each side of all rear lot lines and seventeen and one-half (17.5) feet for perimeter easements or of a width and location as specified by the Technical Advisory Committee and when necessary, be provided along other lot lines for poles, wires, conduits, sanitary sewers, gas, water, power, communications and other utility lines.

3. Drainage Easements

Suitable drainage easements, as required by the Engineering Design Criteria Standard Specifications, shall be required on all proposed subdivisions.

4. Technical Advisory Committee Review

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The locations, width and alignment of all easements shall be subject to review and recommendation by the Technical Advisory Committee and Planning Commission prior to approval and acceptance by the City of Sapulpa.

5. Standard Location of Underground Utilities

The standard location of underground utilities shall be in accordance with Figure 12 of these Regulations.

SECTION 12-437 FLOODPLAIN AREAS

Lands that are identified on the official maps of the City of Sapulpa as being subject to flooding hazards and periodic inundation, shall not be subdivided into lots, tracts or parcels for any use which would be incompatible with such flooding hazards except as follows:

1. Improvements meeting the standards and requirements of the City of Sapulpa and designed to render such land safe for residential or other uses are made, or satisfactorily guaranteed on such land meeting the approval of the City Engineer as being in accordance with the Engineering Design Criteria Standard Specifications; and
 - a. The intended use of the land is permitted by the adopted ordinances and regulations of the City because such use has a low flood damage potential and will not otherwise obstruct the flow of flood water or increase the flooding hazard to property already developed; or
 - b. The intended use of the land is permitted by a Special Exception, Variance, or by other adopted policy of the City of Sapulpa.

SECTION 12-438 STORMWATER DRAINAGE AND DETENTION FACILITIES

Stormwater drainage and detention facilities shall be required in accordance with these and other City of Sapulpa regulations and policies as follows:

1. The stormwater drainage system shall be designed and constructed in accordance with the standards and requirements of the Engineering Design Criteria Standard Specifications to receive and to pass the runoff from a 100-year frequency rainstorm under conditions of full urbanization. Full urbanization is defined as the total development that is anticipated. The entire flow shall be contained within said stormwater drainage system.

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2. Stormwater detention facilities, when required, shall be designed and constructed in accordance with the Engineering Design Criteria Standard Specifications.

3. Any construction project with a common plan of development or sale of five or more acres must apply for an OPDES General Construction Permit (Oklahoma Construction Permit). The owner/operator is the party or parties that either individually or taken together meet the following two criteria: 1. they have operational control over the site or project specification including modification to the specifications), and 2. they have day to day operational control of the activities at the site or project necessary to endure compliance with the plan requirements and permit conditions.

There is a \$240 application fee per construction site for processing and renewing permits. Applicants will be billed at the time they receive their permits. The environmental Protection Agency has delegated that the responsibility for storm sewer discharge associated with construction sites throughout the state be permitted under the Oklahoma Department of Environmental Quality through this permit.

SECTION 12-439 PARK AND RECREATION DEVELOPMENT FEE

As land is developed for residential use, the need for additional park land and improved recreational facilities to serve the community is created. In order to provide funds for this need, a Park and Recreation Development Fee shall be imposed on each residential building permit.

The Park and Recreation fee shall be assessed and paid as follows:

1. Applicability and Amount of Fee

Before a residential building permit is issued to construct any residential dwelling unit the Park and Recreation Development Fee as set forth in the Master Fee Schedule, shall be paid with the building permit application.

2. Determination of the Fee

A. The number of bedrooms in each proposed dwelling unit shall be determined from the building plans filed with the building permit application and shall include as bedrooms, all rooms however, labeled on the plans (other than living rooms, dining rooms, dens, kitchens, and bathrooms) that are suitable for conversion to bedrooms. The number of bedrooms attributable to a unit shall include not only those areas labeled as bedrooms on the plans, but may include any area in the dwelling unit that (because of its size, location, facilities or relationship to other areas of the dwelling unit) is deemed divisible so as to create one or more additional bedrooms

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- B. In the case of mobile or manufactured homes, the fees as set forth in the Master Fee Schedule shall be paid at the platting stage of the development. The applicable fee will be required to be paid before the final plat is signed and released for recording.
 - C. The total amount of the Park and Development Recreation Fee shall be determined by the Building Inspector of the City of Sapulpa based upon the plans submitted with the building permit application. If the applicant does not agree with the required fee as determined by the Building Inspector, the decision of the Building Inspector may be appealed to the Board of Adjustment.
3. Exemptions from the Park and Recreation Development Fee

The fees imposed by the above sections shall not apply to the following types of construction:

- A. Reconstruction of a dwelling unit or portion thereof that has been damaged or destroyed by fire, flood or other causes over which the owner has not control; or
 - B. Expansion, remodeling and/or alteration of a dwelling unit where an additional bedroom is created.
4. Park and Recreation Capital Fund

The proceeds of the Park and Recreation Development Fee shall be set aside in a fund entitled the "Park and Recreation Capital Fund" to be used exclusively for the acquisition of new park land and/or capital and maintenance improvements thereon as follows:

At such time as the City Council, based upon the recommendation of the Park Board (as to the desirability of the tract) and Planning Commission (as to the appropriateness of the intended land use), determines that sufficient funds have been accumulated in the Park and Recreation Capital Fund from and for a certain area for the purchase of new park land and/or to make improvements thereon, the governing body of the applicable jurisdiction shall initiate the necessary procedures for such expenditures to be made.

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SECTION 12-440 SEWAGE DISPOSAL AND WATER SUPPLY

1. General Requirements:

- A. All subdivisions shall utilize a public water supply approved by the Oklahoma Department of Environmental Quality, the City of Sapulpa, or other applicable authority.
- B. All plans pertaining to the collection and treatment of public sewage must be approved by the Oklahoma Department of Environmental Quality, the City of Sapulpa, or other applicable authority.
- C. All plans pertaining to the distribution and treatment of drinking water must be approved by the Oklahoma Department of Environmental Quality, the City of Sapulpa, or other applicable authority.
- D. Proposed subdivisions that seek or require a tie-on to the public sewer system must be located within the corporate limits of the City of Sapulpa or be annexed into said corporate limits as a condition of and prior to the initiation of such service.

2. Sanitary Sewage Systems:

The subdivider shall provide an internal sanitary sewer collection system that is available to each lot within the subdivision. The system shall be designed and constructed as approved by the Oklahoma Department of Environmental Quality and in accordance with these Regulations, the Engineering Design Criteria Standard Specifications and all other applicable regulations. The following additional requirements shall apply:

- A. Where an approved public sanitary sewer system is not available to the subdivision, as determined by the City of Sapulpa regulations, and in order to allow development during the time required to extend the public sanitary system into these areas, a central treatment plant may be allowed on a temporary basis. The plant shall meet all applicable water quality criteria and be designed, constructed and approved by the Oklahoma Department of Environmental Quality and the City of Sapulpa and otherwise meet all other applicable standards and specifications of the City of Sapulpa.

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- B. In those cases where the development is planned to initially utilize septic tank sewage disposal systems, the developer shall submit soil percolation test results (as required by the Oklahoma Department of Environmental Quality) the City of Sapulpa, as applicable, for each lot in the subdivision to be served by said system demonstrating a soil percolation test rate in accordance with the regulations of the Oklahoma Department of Environmental Quality.
 - C. Restrictive covenants shall be approved and filed with the subdivision plat that state that the use of said systems shall only be in accordance with these Regulations and all other applicable regulations of any approving authority.
 - D. Private sewage systems shall be installed and maintained in accordance with the standards and specifications of the Oklahoma Department of Environmental Quality, and all other applicable regulations of any approving authority.
3. Where a public sanitary sewer systems in not available to the subdivision, but where plans for the installation of sanitary sewers in the vicinity of the subdivision are currently being designed by the City Engineer, the developer shall install such sewers in conformity withy the plans. If immediate connection to that system is not possible and until such time as a connection can be made, the use of private sewage systems may be permitted subject to approval by the City of Sapulpa.

SECTION 12-441 HILLSIDE DEVELOPMENT

The development of hillside areas or any areas with a slope greater than eight (8) percent shall be designed to minimize grading and filling and in such a manner as to retain the maximum feasible amount of natural ground cover. Areas with slopes in excess of twenty (20) percent shall be utilized as open space or developed as a Planned Unit Development in accordance with the applicable provisions of the Zoning Code and these Regulations.

SECTION 12-442 PLANNED UNIT DEVELOPMENT

1. General Requirements

When a subdivision is to be developed as a Planned Unit Development (see Figure 13) in accordance with the applicable provisions of the Zoning Code and these

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Regulations, the Planning Commission and the City Council may vary the requirements of these Regulations in order to allow the subdivider more freedom in the arrangement of the subdivision. However, all such development must be done in a manner so as to protect the public health, safety and welfare and future residents of the area, while being consistent with the spirit and intent of these Regulations and the Comprehensive Plan. Any and all variances from these Regulations shall only be granted in accordance with the procedural requirements as provided herein.

2. Private Streets and Mutual Access Easements

Private streets and mutual access easements may be allowed in Planned Unit Developments subject to approval by the City of Sapulpa. All such streets shall be reviewed, inspected and built to the same standards as public streets and be maintained by the owners of land within such subdivisions. Private streets and mutual access easements shall always remain open to police, sheriff, fire, and other official vehicles of all municipal, county, state and federal agencies. The following additional requirements shall apply:

- A. Prior to the sale of any land within subdivisions where private streets and mutual access easements have been approved, the subdivider shall erect signs and otherwise assure the maintenance of said sign at all entrances to the subdivision and within the private drive and street right-of-way and mutual access easement indicating that said street is a private street. The manner in which the sign is constructed and installed shall be subject to the approval of the City Engineer.
- B. No deed of conveyance shall ever be filed of record for any land within said subdivision unless said deed clearly states that "all property owners within this subdivision shall automatically become a member of a Homeowners Association, whose responsibility shall include development, complete maintenance and replacement of all private streets and common areas within the Planned Unit Development."
- C. In order to assure that private streets and common areas are properly installed and inspected, no building permit shall be issued for any lot in said subdivision until all improvements, public and private, have been installed in compliance with the approved plan or said installation is assured to the satisfaction of the City Council.

SECTION 12-443 MONUMENTS

Monuments must be set in sufficient number and be of such durability as not to be readily disturbed, and to assure that together with monuments already existing, the

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perpetuation or re-establishment of any line or point in the survey is possible. Monuments shall be constructed of material capable of being detected with conventional instruments for finding ferrous or magnetic objects. Monuments shall further be in accordance with the following standards and criteria:

1. Be placed at each point in the boundary of the subdivision and be a minimum of fifteen (15) inches long with a minimum diameter of one-half (1/2) inch and be made from iron pipe or bar or be made of such other materials and be of a size as approved by the City Engineer.
2. Be placed at the corner of each lot in the subdivision and be a minimum of fifteen (15) inches long with a minimum diameter of three-eighths (3/8) inch and be made from iron pipe or bar or be made of such other materials and be of a size as approved by the City Engineer.
3. Be placed along the centerline of each street at all street intersections, points of curve, points of tangency, points of compound curve, points of reverse curve, center of cul-de-sacs and center of an eyebrow.
4. In such cases where the placement of a required monument at the required location is impractical as determined by the City Engineer, a witness corner or reference monument must be placed, preferably on a line of survey, with the data given to show its location upon the ground in relation to the subdivision boundary or lot corner.
5. Benchmarks for vertical control shall be established in accordance with the provisions of the Engineering Design Criteria. Vertical control monuments must be placed at an interval of one brass cap per 20 acres or part thereof and spaced proportionately throughout the subdivision.

SECTION 12-444 CHANGE OF LIMITS OF ACCESS

1. Intent

When land has been platted under these Regulations, or under other applicable law, and the owner of all land affected by the proposal seeks to add limits of access to the plat, or to remove or otherwise alter said limits of access on the plat, such action shall not require replatting nor shall it require vacation of the existing plat.

2. Application

The property owner, or the owner's agent with written permission from the owner shall submit the change of limits of access application which shall include, at a minimum, the following information:

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- a. Drawings: Ten (10) copies of a scaled drawing which should not be of a greater size than 8 ½ x 11” and be drawn on forms provided with the application.
- b. Specifications: The drawing shall include the proposed changes and all existing curb cuts, drives, parking areas, easements, buildings and other relevant information with the distances and dimensions shown from lot lines and adjacent streets.

3. Processing

- a. Planning Staff Review:

The Planning Commission staff and the City Engineer shall review and evaluate the impact of the proposed changes on traffic flow, utility easements, and the implementation of the various plans as adopted by the City, or on the flow of traffic on private streets and adjacent or abutting property owned by persons other than the applicant. Staff comments shall be forwarded to the Technical Advisory Committee.

- b. Technical Advisory Committee Review

The Planning Commission staff shall present the application to the Technical Advisory Committee for review and comment. The recommendation of said Committee shall be compiled with that of the Planning Commission staff and City Engineer and transmitted to the Planning Commission.

- c. Planning Commission Review

The Planning Commission shall review the proposed change and either recommend approval, approval with conditions, or denial. The recommendation of the Planning Commission shall be subject to final approval by the City Council.

- d. City council Review and Approval

The City Council shall review the proposed change of access and either approve, approve with conditions or disapprove the application.

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e. Filing of the Final Document

The owner or the owner's agent, up[on satisfaction of any conditions of approval, or upon receiving an unconditional approval from the City Council, shall file the approved documents with the County Clerk of the County in which the property is located and return a certified copy of the filed document to the City Clerk of the City of Sapulpa.

SECTION 12-445 GENERAL REQUIREMENTS FOR IMPROVEMENTS

1. Installation of Improvements

Following the approval of the final construction plans, and prior to approval of the final plat, the subdivider shall complete in a manner satisfactory to the City Engineer, all improvements required, and said improvements shall be free and clear of all liens, claims and encumbrances.

2. Assurances Guarantying Installation of Improvements

In-lieu-of the installation of the required improvements prior to the final plat approval, the subdivider shall agree in writing with the Sapulpa city Council to complete all required improvements in a manner satisfactory to the city. To evidence this agreement, the subdivider shall execute a document entitled "Agreement Guarantying Installation of Improvements" as required by the Engineering Design Criteria.

3. Time Limit

Prior to granting approval of the final plat, the subdivider and Planning Commission shall agree upon a deadline for the completion of all required improvements. The period within which required improvements must be completed shall be specified by the planning Commission in the action approving the final subdivision plat and shall not exceed two (2) years from date of final approval, unless extended by the Planning Commission for good cause as determined by the Planning Commission.

4. Vacated Plats

Vacation of the plat, as provided by Oklahoma State Statute, shall remove the obligation to construct improvements.

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SECTION 12-446 IMPROVEMENTS REQUIRED

1. Street Improvements

- a. The subdivider shall design, grade, oversee, test and otherwise improve all streets which are designated on the approved plat or which directly serve the subdivision in accordance with the Engineering Design Criteria as directed by the City Engineer.
- b. Whenever a subdivision contains a major street that requires a major street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the Planning Commission.
- c. All driveways that connect with the public streets shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways," Revised August, 1960, and subsequent amendments, thereto, as prepared by the Oklahoma Department of Transportation.

2. Street Traffic Control Devices, Signs and Names

The developer shall provide the initial street name identification signs and poles and the City shall install all traffic control devices and signs on public streets. Street names shall be subject to the final approval of the City Council after review and recommendation from the Planning Commission.

3. Street Lights

The subdivider shall provide adequate street lighting in the subdivision in accordance with the specifications of the Engineering Design Criteria.

4. Monuments and Markers

Permanent reference markers shall be placed according to the specifications of the Engineering Design Criteria and as provided in these Regulations. The location of brass caps shall be shown on the face of the final plat.

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5. Public Water Supply

Where an approved public water supply is reasonably accessible, as determined by the City of Sapulpa, the subdivider shall install water lines and fire hydrants to connect with such water supply and make it available to each lot within the subdivided area. The final plat shall not receive City Council approval until it is certified by the Oklahoma Department of Environmental Quality that there has been compliance with the regulations of the Oklahoma Department of Environmental Quality and where indicated, meets other jurisdictional governing body requirements.

6. Stormwater Drainage and Detention Facilities

The subdivider shall provide a stormwater drainage system that is designed and constructed in accordance with the Engineering Design Criteria.

7. Sanitary Sewer System

- A. Where a public sanitary sewer is reasonably accessible as determined by the City of Sapulpa, the subdivision and each lot within said subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer or County Engineer and be in accordance with the regulations of the Oklahoma Department of Environmental Quality and the Engineering Design Criteria Standard Specifications.
- B. Where a public sanitary sewer system is not reasonably accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision are currently being designed by the City Engineer, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible and until such connection with the sewer system can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations of the Oklahoma Department of Environmental Quality.

8. Utilities

Electric cable, television lines, and other utilities shall be installed in the easements specified on the subdivision plat and otherwise as shown in Figure 12 of these Regulations.

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SECTION 12-447 PLANS AND IMPROVEMENTS REQUIRED

1. Three (3) sets of prints of the proposed final construction plans and specifications for all improvements required by these Regulations and the Engineering Design Criteria shall be prepared by a qualified registered professional engineer and submitted to the City Engineer. The City Engineer shall approve or require modification of those construction plans.

2. The subdivider shall be required to participate in a pre-construction meeting with the applicable City staff.

3. Following the approval of the final construction plans, the subdivider shall complete in a manner satisfactory to the City Engineer all required improvements and said improvements shall be free and clear of all liens, claims and encumbrances, except or unless as agreed to in the "Agreement Guarantying Installation of Improvements" as required by the Engineering Design Criteria.

4. The final plat may then be approved and released by the City for filing in the office of the County Clerk in which the property is located.

SECTION 12-448 INSPECTIONS AND CERTIFICATIONS

The City Engineer shall inspect or otherwise secure the inspection of the construction of the required improvements of conformance with the approved plans and specifications. Upon completion of the improvements, the City Engineer shall file with the City Council, a statement either certifying that the improvements have been completed in accordance with these Regulations and the Engineering Design Criteria or that the improvements are defective, listing the defects.

SECTION 12-449 RECORD DRAWINGS

1. Upon completion of the improvements, the subdivider and his engineer shall file with the City Engineer one (1) mylar set of Record Drawings, certified and signed by a registered professional engineer for said improvements. Said Record Drawings shall be filed with the City prior to the issuance of building permits in the platted area or within a schedule of time agreed to by the developer and Planning Commission staff. The Record Drawings shall certify:

- a. That all required improvements are complete;
- b. That the subdivision improvements are in compliance with these Regulations and the Engineering Design Criteria Standard Specifications; and
- c. That the improvements have been constructed in accordance with the approved plans and specifications.

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2. Subdividers with the capabilities of generating Record Drawings as computer layouts and system drawings for plats, water, sanitary sewer, street, drainage, grading, etc. shall provide the City with computer files of such drawings.

SECTION 12-450 IMPROVEMENTS ACCEPTANCE OR FORFEITURE

The City Council shall accept by formal recorded action any or all improvements before such improvements become public property, provided that all statements and agreements specified above have been received and that Record Drawings have been submitted. The maintenance bond shall begin with the acceptance of said improvements by the city Council. Approval of the Record Drawings by the City Engineer shall not be construed to mean that the maintenance bond is void. No building construction shall be permitted on any lot on which improvements have not been completed, or said completion guaranteed in accordance with the provisions of these Regulations and the Engineering Design Criteria and no municipal utility service shall be furnished to such lot until the approved Record Drawings have been received by the City Engineer.

SECTION 12-451 MAINTENANCE BOND

Prior to acceptance of these improvements by the City Council, the subdivider shall obtain a maintenance bond or irrevocable letter of credit from a surety bonding company authorized to do business in the State of Oklahoma. The bond shall be filed with City Clerk and shall be payable to the City. The amount of the bond shall be equal to one hundred percent (100%) of the entire cost of said improvements including all water lines, sanitary sewer lines, paving, grading and drainage improvements. The duration of the maintenance bond for streets and drainage improvements shall be two (2) years from the date of acceptance of said paving and drainage improvements by the City Council. The duration of the maintenance bond for all other improvements shall be one (1) year from the date of acceptance of said improvements by the City Council.

SECTION 12-452 LOT SPLIT PROCEDURES - AUTHORITY

The Planning Commission, pursuant to the powers and jurisdiction vested through Oklahoma State Statutes does hereby exercise the power and authority to review, approved and disapprove transfer of land hereinafter referred to as lot splits.

SECTION 12-453 LOT SPLIT PROCEDURES - INTENT AND PURPOSE

The provisions contained in this Section are intended to establish minimum procedures and standards for lot splits in order to accomplish the policy and purposes set forth in these Regulations.

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SECTION 12-454 LOT SPLITS - CITY OF SAPULPA

Any conveyance of land lying within the city of Sapulpa resulting in parcels meeting the definition of "lot split" shall be exempt from the requirements of preparing, filing and seeking Planning Commission approval of a subdivision plat. Such conveyances, however, must be approved by the subdivision plat. Such conveyances, however, must be approved by the Planning Commission as a "lot split" and must show such approval by stamp upon the instrument of transfer in accordance with Oklahoma State Statutes. Planning Commission approval of such conveyances shall be conditioned upon the following:

1. All resulting lots must comply with the provisions of the applicable "Flood Damage Prevention Ordinance or Regulations", and the "Detention Ordinance";
2. All resulting lots must have written approval from the Creek county Health Department for sewage disposal systems;
3. All resulting lots must have access to public utilities by proper easement or other approved right-of-way;
4. All resulting lots shall have frontage upon a public maintained and dedicated public road; and
5. All resulting lots shall meet the minimum bulk and area requirements of the zoning district within which they are located.

SECTION 112-455 USAGE OF TERMS

1. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this Section.
2. Unless the context clearly indicated the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these Regulations" the word "Regulations" means "these Subdivision Regulations."
3. A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is mandatory and not directory; "may" and "should" are directory and not mandatory; the "building" includes a "structure", a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall

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be construed to include the words “intended, arranged or designed to be used or occupied.”

SECTION 12-456 WORDS AND TERMS DEFINED.

Abutting - In addition to the customary meaning, abutting, for the purpose of providing notice, shall mean contiguous or separated therefrom only by a non-arterial street.

Alley - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises for purposes of any application submitted under these Subdivision Regulations.

As-Built Construction Plans

See Record Drawings

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board of Adjustment - The Board of Adjustment of the City of Sapulpa, Oklahoma.

Board of County Commissioners - The Board of Commissioners of Creek County, Oklahoma.

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City of Sapulpa. All bonds shall be approved by the City of Sapulpa wherever a bond is required by these Subdivision Regulations.

Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building Line or Setback Line - The line or lines designating the area outside of which buildings may not be erected.

Capital Improvements Program - A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, major repairs and major maintenance, or replacement of the physical assets of the community are included in the Capital Improvement Program.

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City - The City of Sapulpa, Oklahoma.

City Council - The City Council of Sapulpa, Oklahoma. See also Governing Body

City Engineer - The City Engineer or the designated representative of the City of Sapulpa, Oklahoma.

Comprehensive Plan - The general plan for development of the City of Sapulpa, prepared and adopted by the Planning Commission and submitted for review and approval by the City Council of Sapulpa, pursuant to Oklahoma State Statutes, including any part of such plans separately adopted and made a part thereof and any amendment to such plan or parts thereof.

Construction plans The maps or drawing accompanying a preliminary and final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City of Sapulpa as a condition to the approval of the final plat.

Cul-de-sac

See Street, Cul-de-sac

Developer The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises if the owner is not the developer for the purpose of any application submitted under these Subdivision Regulations.

Double Frontage - A situation in which a lot has access on two streets that do not intersect.

Easement - Authorization by a property owner for a general or specific use by another, of any designated part of, or tract of land.

Engineering Design Criteria - The latest edition of the engineering standards and design criteria used in the design and construction of subdivision improvements as adopted and as amended by the City of Sapulpa. A short form of reference to the document entitled, "Engineering Design Criteria and Standard Specifications for Construction."

Escrow - A deposit of cash with the City of Sapulpa in-lieu-of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited, upon receipt by the City of Sapulpa, in a separate account.

Final Plat - See Plat, Final.

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Floodplain - The area adjoining the channel of a river, creek, stream or watercourse, or lake or any other body of standing water or area which may from time to time be covered by floodwater. The floodplain areas shall be those areas as described and delineated on maps contained within the offices of the City Engineer.

Frontage - That part of a lot abutting on a street or way and that is ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Full Urbanization - The total development that is anticipated in a given area in accordance with the comprehensive Plan and other land use regulations of the City of Sapulpa.

Governing Body - The body of the local government having the power to adopt ordinances, being the City Council of the City of Sapulpa.

Grade - The slope of a road, street, or public or private way, specified in terms of percentage (%).

Health Department - The agency designated by the City of Sapulpa to administer the health regulations of the local and state government and referred to as the Oklahoma Department of Environmental Quality of Creek County, or the Oklahoma Department of Environmental Quality.

Highway, Limited Access - A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Improvements - Grading, streets, sidewalks, crosswalks, culverts, drainage ditches, bridges, water lines, sanitary sewer lines, force mains and lift stations, storm sewer lines, other utilities, and other features required to support a development.

Improvements, Off-Site - A utility, structure, or modification of topography located outside the property to be subdivided.

Improvements, Private - Any street, sidewalk, utility line, drainageway or other facility not provided by the City and which may or may not be required as a condition of approval of a development by the City nor which will be maintained by the City, nor which will be maintained by the City.

Improvements, Public - Any street, sidewalk, utility line, drainage way or other facility for which the City may ultimately assume the responsibility for construction, maintenance and operation.

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Improvements Required - Any improvement required by the City as a condition of approval of a subdivision plat and development.

Individual Sewage Disposal System - A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Joint Ownership - Joint ownership among persons shall be construed as the same owner; also referred to as "Constructive Ownership" for the purpose of imposing these Subdivisions.

Local Government - For the purpose of these Subdivision Regulations, shall mean the City of Sapulpa acting by and through its duly constituted boards, councils, commission and bodies.

Lot - A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building and development.

Lot, corner - A lot located at the intersection of and abutting on two or more streets.

Lot, Double Frontage - A lot that runs through a block from street to street and that abuts two (2) or more streets that do not intersect but not including a corner lot.

Lot, Reverse Frontage - A double frontage lot that is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot of Record - Any parcel of land meeting one of the following three conditions:

An unplatted parcel of land which was filed of record by district instrument in the office of the Creek County Clerk prior to October 21, 1986; or any whole lot as shown on a subdivision plat properly filed of record in the office of the Creek County Clerk after October 21, 1986, which plat has shown on its face the approval of the Metropolitan Area Planning Commission.

Lot Area - The total area measured on a horizontal plane, included within the lot boundaries.

Lot Split - The division of a lot of record into no more than four (4) parcels of less than ten (10) acres in size.

Major Street and Highway Plan - The Sapulpa Major Street and Highway Plan map and documentation established and adopted by the City of Sapulpa showing area major

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streets and highways, the required rights-of-way and any amendments or additions adopted by the City of Sapulpa.

Major Subdivision - All subdivisions not classified as a minor subdivision, including but not limited to a subdivision of more than four (4) lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Minor Subdivision - Any subdivision containing not more than four (4) lots and fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Major Street and Highway Plan, Zoning Ordinance, or these Subdivision Regulations.

Monument - A permanent marker properly located and as required by these Subdivision Regulations for the location and identification on the land of reference points in the subdivision, such as, but not limited to, the corners of the subdivision, corners of blocks and lots and radii for street curvature.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these Subdivision Regulations.

Park Board - The Park Board of the City of Sapulpa or Creek County, Oklahoma.

Resubdivision - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or are reserved thereon for public use, or any lot line; or such other change if it affects any map or plan legally recorded prior to the adoption of any regulations controlling said subdivision.

Reserve Area - A tract of land that by public authority is withdrawn or otherwise set aside from sale or settlement and is applicable to a specific public purpose such as for drainage.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road electrical and communication services, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The useage of the term "right-of-way" for the purpose of platting land shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or other use involving construction or maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. All such

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dedications are subject to the final approval and acceptance by the City Council of Sapulpa.

Roads, Classification - A system established for the purpose of providing for the development of the streets, highways, roads and rights-of-way in the City of Sapulpa and for the future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks, for each existing street, highway, road and right-of-way, and those located on approved and filed plats designated on the Major Street and Highway Plan of the City of Sapulpa. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the City of Sapulpa. The required improvements shall be measured as set forth for each street classification on the Major Street and Highway Plan.

Sale or Lease - Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, lease, devise, and interstate succession, or transfer of an interest in a subdivision of part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

Setback - The distance between a building and the street right-of-way line nearest thereto.

Street - A public or private right-of-way that affords the primary means of access to abutting property or serves as a thoroughfare for vehicular traffic, or both, but excluding alleys.

Street, Arterial - A thoroughfare designated on the Major Street and Highway Plan that carries a significant portion of the interurban vehicle traffic at moderate speeds with some traffic stops. Also see Street, Primary Arterial and Street, Secondary Arterial, in this section.

Street, Border - A street located adjacent to a railroad, drainageway, park, open space area or limited access highway.

Street, Collector - A thoroughfare designated on the major Street and Highway Plan that is intended to move traffic from minor to arterial streets, including the principal entrance and circulation street or streets of a development.

Street, Commercial Collector/Industrial Collector - A category of trafficway that provides circulation to and from commercial and industrial areas to connect with major streets or highways.

Street, Commercial Business District - A category of trafficway that provides circulation within the Central Business District.

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Street, Commercial/Industrial - A category of trafficway that provides circulation within commercial and industrial areas.

Street, Cul-de-sac - A minor street with only one outlet and having a terminus for the safe and convenient reversal of traffic movement including all emergency and service vehicles.

Street, Frontage or Service - A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

Street, Major - Highway, arterial and collector streets as shown on the major Street and highway Plan.

Street, Marginal Access - Any existing street to which the parcel of land to be subdivided abuts only one (1) side. Marginal access streets are designed to separate access to lots fronting on arterial streets from arterial street traffic.

Street, Minor (Local) - A trafficway of limited length, not classified as a major street or highway, that provides direct access to abutting tracts of land and access to more heavily traveled streets, and that is designed in such a manner to discourage its use by through traffic.

Street, Primary Arterial - A thoroughfare designated on the major Street and Highway Plan that carries a portion of both intra-urban and interurban vehicle traffic at a moderate rate of speed with some traffic stops.

Street, Secondary Arterial - A thoroughfare designated on the major Street and Highway Plan that carries a significant portion of the interurban vehicular traffic having some traffic stops.

Street, Service Road - A minor street that is parallel and adjacent to major streets, trafficways, highways or railroad rights-of-way and that provides access to abutting properties and protection from through traffic.

Subdivider - Any person who (1) having an interest in land, causes it directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, or developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or one who is under the direct, or indirect common control of any of the foregoing.

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Subdivision - Any land, vacant or improved, that is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease and whereon there is constructed permanent structural improvements, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and on residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision Agent

Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offers to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except at attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision, Major. See Major Subdivision.

Subdivision, Minor, See Minor Subdivision.

Subdivision Plat - The final map or drawing, described in these Subdivision Regulations, on which the subdivisions' plan or subdivision is presented to the Planning Commission, City Council, for approval and which, if approved, may be submitted to the County Clerk of the County in which the property is located for filing of record.

Subdivision Regulations - The Subdivision Regulations of the City of Sapulpa.
Technical Advisory Committee - A Committee composed of public officials and utility company representatives to review and study all plats and lot split proposals and to make recommendations and findings to the Planning Commission, City council concerning the proposed subdivision.

Temporary Improvement - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Zoning Ordinance -

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CHAPTER 5

FLOOD DAMAGE PREVENTION

Section 12-501	Findings of fact.
Section 12-502	Statement of purpose.
Section 12-503	Methods of reducing flood losses.
Section 12-504	Definitions.
Section 12-505	Lands to which this Ordinance applies.
Section 12-506	Basis for establishing the areas of special flood hazard.
Section 12-507	Establishment of development permit.
Section 12-508	Compliance.
Section 12-509	Abrogation and greater restrictions.
Section 12-510	Interpretation.
Section 12-511	Warning and disclaimer or liability.
Section 12-512	Designation of the floodplain administrator.
Section 12-513	Duties and responsibilities of the floodplain administrator.
Section 12-514	Permit procedures.
Section 12-515	Variances.
Section 12-516	Provisions for flood hazard reduction.
Section 12-517	Provisions for flood hazard reduction; specific standards.
Section 12-518	Standards for subdivisions.
Section 12-519	Floodways.
Section 12-520	Severability.
Section 12-521	Penalties for non-compliance.
Section 12-522	Certification.

FLOOD DAMAGE PREVENTION

SECTION 12-501. FINDINGS OF FACT.

- A. The flood hazard areas of the City of Sapulpa are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

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SECTION 12-502. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION 12-503. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance uses the following methods:

- (a) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging and other development which may increase flood damage; and

Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

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SECTION 12-504. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory structure" - means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include but are not limited to garages and storage sheds.

"Area of special flood hazard" - is the land in the floodplain within the City of Sapulpa subject to a one percent or greater chance of flooding in any given year.

"Base flood" - means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation" – means the elevation in feet above mean sea level of the base flood or 1% chance flood.

"Basement" - means any area of the building having its floor sub-grade (below ground level) on all sides.

"BFE" - means base flood elevation.

"CFR" - means Code of Federal Regulations.

"Critical feature" - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Development Permit" - means a permit issued by the City of Sapulpa Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.

"Elevated building" - means a non-basement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, "elevated building" also includes a

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building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Existing construction" - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufactured home park or subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.

"Expansion to an existing manufactured home park or subdivision"- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means Flood Insurance Rate Map.

"Flood" or "flooding" - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal waters, or

(a) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" - means an official map of the City of Sapulpa on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Sapulpa.

"Flood insurance study" - is the official report provided by FEMA for City of Sapulpa which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

"Floodplain Administrator" – means a person accredited by the OWRB and designated by the City Council of the City of Sapulpa to administer and implement laws, ordinances and regulations relating to the management of floodplains.

"Floodplain or flood-prone area" - means any land area susceptible to being inundated by water from any source (see definition of flood).

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"Floodplain management" - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" - means zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood protection system" - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within City of Sapulpa subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodway" - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Section 12-506. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

"Functionally dependent use" - means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior, or
 - B. Directly by the Secretary of the Interior in states without approved programs.

"Levee" - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" - means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.

"Manufactured home" - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City of Sapulpa's Flood Insurance Rate Map are referenced.

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"New construction" - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Sapulpa City Council and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Sapulpa Floodplain Board.

"OWRB" – means the Oklahoma Water Resources Board.

"Recreational vehicle" - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part

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of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

"Variance" - is a grant of relief by the City of Sapulpa City Council to a person from the terms of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of Title 44 CFR.)

"Violation" - means the failure of a structure or other development to be fully compliant with this City of Sapulpa flood damage prevention ordinance.

"Water surface elevation" - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 12-505. LANDS TO WHICH THIS ORDINANCE APPLIES.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Sapulpa, Oklahoma. The areas of special

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flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Tulsa County and Incorporated Areas" dated October 16, 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby referenced to be effected on October 16, 2012, and declared to be a part of this Code as well as the Flood Insurance Study for Creek County and Incorporated Areas dated May 18, 2009. This ordinance amendment goes into effect on October 16, 2012, at not before. (Ord. No. 2674.)

SECTION 12-506. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Creek County, Oklahoma and Incorporated Areas" dated May 18, 2009, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. This ordinance shall go into effect on May 18, 2009.

SECTION 12-507. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

SECTION 12-508. COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 12-509. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 12-510. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and

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3. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 12-511. WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Sapulpa or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 12-512. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Council of the City of Sapulpa designates the Director of Urban Development and/or his/her designee as Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management. (Ord. No. 2652.)

SECTION 12-513. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.
2. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for Development Permits required by this ordinance.
4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.

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5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data contemplated by Section 12-506 has not been provided by FEMA, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from any Federal, State or other source, in order to administer the provisions of Sections 12-516 and 12-517.
9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Creek County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Sapulpa.
10. After a disaster or other type of damage occurrence to structures in the City of Sapulpa, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
11. Maintain a record of all actions involving an appeal from a decision of the City Council.
12. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

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SECTION 12-514. PERMIT PROCEDURES.

A. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;

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- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- j. The relationship of the proposed use to the comprehensive plan for that area.

C. The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the Creek County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

SECTION 12-515. VARIANCES.

1. General provisions.

- a. The City Council of the City of Sapulpa may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of Section 12-515. Provided, however, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
- b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
- c. In no case shall variances be effective for a period longer than twenty (20) years.
- d. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of Twenty-five Dollars (\$25.00).
- e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 12-514(2) and provisions of Section 12-515 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

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- f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the City Council which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.
- g. At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Creek County at least thirty (30) days prior to the hearing.
- h. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section 12-515. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
- i. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and
 - (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- j. Upon consideration of the factors stated in this Section 12-515 and the intent of this ordinance, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Section 12-502 of this ordinance.
- k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

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2. Special provisions.

a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria of Section 12-515(1)(e); Section 12-515(1)(i); Section 12-515(2)(b); and Section 12-515(2)(c) of this Chapter are met, and
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION 12-516. PROVISIONS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

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4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-517. PROVISIONS FOR FLOOD HAZARD REDUCTION; SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevations have been provided or are otherwise determined as set forth in Section 12-506, Section 12-513(8), or Section 12-518(1), the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs

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for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (b) The bottom of all openings shall be no higher than one foot above grade; and
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes -

- (a) Require that all manufactured homes to be placed within Zone A on the Creek County FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least thirty-six (36) inches above grade or at least at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
- (b) Require that manufactured homes that are placed or substantially improved within Zone AE on the Creek County FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I-beam for the manufactured home is elevated at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
- (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone AE on

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the Creek County FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that the bottom of the I-beam of the manufactured home is at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the Creek County FIRM either:
 - (a) Be on the site for fewer than 180 consecutive days,
 - (b) Be fully licensed and ready for highway use, or
 - (c) Meet the permit requirements of Section 12-514, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Creek County FIRM shall comply with the following:
 - (a) The structure shall be unfinished on the interior;
 - (b) The structure shall be used only for parking and limited storage;
 - (c) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
 - (d) Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
 - (e) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (f) The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
 - (g) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

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- (h) Floodway requirements must be met in the construction of the structure;
- (i) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- (j) The structure shall be located so as not to cause damage to adjacent and nearby structures.

SECTION 12-518. STANDARDS FOR SUBDIVISIONS.

1. The applicant for a Development Permit for any subdivision located in Zones A and AE which is 51 or more lots or greater than 5 acres shall generate the base flood elevation data for that subdivision.
2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All subdivisions including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 12-519. FLOODWAYS.

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City of Sapulpa during the occurrence of the base flood discharge.

2. If Section 12-519(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 12-516 and 12-517.

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3. The City of Sapulpa may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

SECTION 12-520. SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 12-521. PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than one year or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of the City of Sapulpa or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 15-522. CERTIFICATION.

It is hereby found and declared by the City Council of the City of Sapulpa that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.”

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CHAPTER 6

GATED COMMUNITIES

Section 12-601	Restriction on gated access.
Section 12-602	General location requirements.
Section 12-603	Turn around lane.
Section 12-604	Prohibition of tire damaging devices.
Section 12-605	Council approval of circulation plans.
Section 12-606	Applicability of city standards to controlled access developments.
Section 12-607	Homeowners association responsibilities.
Section 12-608	Minimum gate width.
Section 12-609	Emergency release required.
Section 12-610	Electrical battery backup required.
Section 12-611	Rapid entry key lock requirements.
Section 12-612	Minimum lane width established.
Section 12-613	Events requiring open gate established.
Section 12-614	Covered entry structure requirements.
Section 12-615	Access agreement with fire department required.
Section 12-616	Fire department approval of access agreement.
Section 12-617	Registration fee.

SECTION 12-601 RESTRICTION ON GATED ACCESS.

No public street shall be obstructed. Gated access will only be considered and allowed for private streets, approved planned unit developments, apartment projects, or 2 acre private street developments, or other subdivision plats approved by the city council.

SECTION 12-602 GENERAL LOCATION REQUIREMENTS.

Any gate shall be located a sufficient distance from a public street allow three (3) cars to line up at the gate without interfering with vehicles utilizing a public street; the minimum acceptable distance from the gate to public street shall be no less than sixty (60) feet.

SECTION 12-603 TURN AROUND LANE.

A turn around lane shall be provided for vehicles unable to enter the gated development.

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SECTION 12-604 PROHIBITION OF TIRE DAMAGING DEVICES.

Road spikes, barbs, or other tire damaging devices are prohibited.

SECTION 12-605 COUNCIL APPROVAL OF CIRCULATION PLANS.

The city council shall approve all circulation plans for any gated access development and may require multiple entrances.

SECTION 12-606 APPLICABILITY OF CITY STANDARDS TO CONTROLLED ACCESS DEVELOPMENTS.

All city standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to any controlled access development.

SECTION 12-607 HOMEOWNERS ASSOCIATION RESPONSIBILITIES.

A homeowners association shall be established for each gated community and shall provide the names, addresses, and emergency contact numbers to the fire department. Each homeowners association shall be responsible for the following:

- (A) maintenance and repair of the private streets and/or fire lanes, and to provide the funds therefor through the use of assessments;
- (B) maintenance testing and repairs of all functions of any access gate;
- (C) equipping each access gate with a rapid entry key lock box, which shall be located at or near the main entrance to the property. The rapid key entry lock box shall be mounted at a height of six (6) feet above final grade, or as designated by the fire chief.
- (D) accompanying fire department officials during annual inspection and testing of opening systems of the gated community.
- (E) maintaining a service agreement with a qualified contractor to insure year round maintenance.

SECTION 12-608 MINIMUM GATE WIDTH.

The minimum gate opening width, including clearance for all improvements related to the gate, shall not be less than twenty (20) feet.

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SECTION 12-609 EMERGENCY RELEASE REQUIRED.

An emergency release hitch pin shall be installed e control arm of any access gate. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention.

SECTION 12-610 ELECTRICAL BATTERY BACKUP REQUIRED.

A back-up battery electrical system shall be provided for each access gate. These batteries will be trickle charged to maintain electrical energy and in the event of loss of normal electrical current cause the gate to open and remain open until reset by the homeowners association.

SECTION 12-611 RAPID ENTRY KEY LOCK REQUIREMENTS.

The location of all rapid entry key lock boxes, hitch pins, related equipment, operation of gate, signage, opening design, swinging or sliding operation of any gate or any other design specification shall be constructed and installed in accordance with the plans approved by the appropriate city officials, including without limitation, the city building inspector, city planner and fire marshal.

SECTION 12-612 MINIMUM LANE WIDTH ESTABLISHED.

The minimum paving width for all lanes entering and exiting the development shall not be less than twenty (20) feet in width. There shall be no parking on said twenty foot roadway. Appropriate signage shall be provided. If parking is requested on said roadway, the minimum width of the same shall be twenty-six (26) feet.

SECTION 12-613 EVENTS REQUIRING OPEN GATE ESTABLISHED.

Should any problem occur in the operation of the gate or any violation of any provision of this article, each access gate shall remain open and access to the development available until such time as the problem is resolved and/ or the gate is repaired and tested.

SECTION 12-614 COVERED ENTRY STRUCTURE REQUIREMENTS.

When a covered structure is requested, the minimum height shall be no less than sixteen (16) feet and the minimum width shall be no less than twenty (20) feet.

SECTION 12-615 ACCESS AGREEMENT WITH FIRE DEPARTMENT REQUIRED.

Each gated community must enter into an access agreement with the city fire

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department prior to installation of any gate.

SECTION 12-616 FIRE DEPARTMENT APPROVAL OF ACCESS AGREEMENT.

The fire department shall approve an access agreement with the developer, homeowners association, or other responsible property owners that provides for annual inspection of each gate to insure the same is tested to meet all of the construction requirements prior to being approved for operation or continued operation at any point the gate fails to meet these standards. The verification of the access agreement and a copy will be kept on file at the fire department with the contractor's name, address, 24-hour a day telephone numbers, and the developer, homeowner's representative, or responsible property owner's name, address and telephone number. This information shall be a minimum requirement for approval of an annual inspection of each gate.

SECTION 12-617 REGISTRATION FEE.

A registration fee as set forth in the Master Fee Schedule shall be paid by the owner or developer to the fire department for plan review and inspections costs related to gated access developments.

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CHAPTER 7

EARTH CHANGE REGULATIONS

Section 12-701	Purpose and Scope.
Section 12-702	Definitions
Section 12-703	General Provisions; Rules For Interpretation
Section 12-704	Earth Change Permit Required
Section 12-705	Permit Review
Section 12-706	Application for Earth Change Permit
Section 12-707	Earth Change Policies and Standards
Section 12-708	Earth Change Exemptions
Section 12-709	Enforcement and Penalties

SECTION 12-701 PURPOSE AND SCOPE.

This chapter is enacted for the purpose of protecting the general health, safety and welfare of the citizens of the City of Sapulpa from the hazards and danger of flooding, inadequate or improper drainage and erosion of soil by imposing standards and conditions upon the excavation, filling, grading, regrading, berming, paving, and diking of land within the City of Sapulpa.

SECTION 12-702 DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

City. Means the City of Sapulpa, Oklahoma

Earth Change. Means excavating, filling, grading, regrading, berming, paving, or diking of land within the City of Sapulpa. Earth change will also include the clearing or removal of trees as outline in the City Tree Ordinance on a parcel, or activities commonly called clearing and grubbing within the boundaries of the regulatory floodplain.

Tract. Means any parcel of land subject to the provisions of this article.

SECTION 12-703 GENERAL PROVISIONS; RULES FOR INTERPRETATION.

This article shall apply to all lands within the jurisdiction of the City of Sapulpa.

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No land shall hereafter be developed, redeveloped, graded, filled, excavated, bermed, diked, or cleared of its trees and undergrowth without full compliance with the terms of this article and other applicable articles.

It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of their inconsistencies.

In the interpretation and application, the provisions of this article shall be considered as minimum requirements as determined by the City of Sapulpa; and shall be deemed neither to limit or repeal any of the other powers granted under state statutes.

Warning and disclaimer of liability. The degree of protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study and computations. This article does not imply that land uses permitted will be free from hydraulic or wind erosion, or flooding. This article shall not create liability on the part of the City of Sapulpa, Oklahoma or any officer or employee thereof for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Plans to be prepared by professionals . All plans prepared and submitted by any person proposing development shall be prepared under the supervision of a registered professional engineer registered in the State of Oklahoma.

SECTION 12-704. EARTH CHANGE PERMIT REQUIRED.

Unless specifically exempted, an earth change permit, as defined and regulated by this article, shall be obtained from the Director of Urban Development prior to the commencement of any excavating, grading, regrading, landfilling, berming or diking of any property within the City of Sapulpa. Unless specifically exempt, an earth change permit shall be required prior to the clearing of land, including the removal of healthy trees within the regulatory floodplain or performing any other work constituting an earth change under this chapter. A separate permit shall be required for each separate noncontiguous tract, and no permit shall be transferable without the prior written consent of the Director of Urban Development.

Prior to the granting any earth change permit, the Director of Urban Development shall attach such conditions thereto as may be deemed necessary to prevent hazards to public or private property resulting from the blockage, obstruction, alteration or impairment of any storm sewer drain or surface water course and to prevent the work

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thereby authorized from being conducted in a manner hazardous to life or property, or otherwise likely to create a public nuisance. Such public nuisances should be deemed to include, but not be limited to, erosion, avulsion, or siltation anywhere within the storm sewer system or surface water system of the City of Sapulpa; or any conditions that exist contrary to the adopted regulations of the City of Sapulpa. Conditions attached to the permit may include, but are not limited to: submission of a drainage plan, drawings specified to finish grade land contours, installation of retaining walls, drains, detention facilities, other drainage facilities, specified erosion control measures, the furnishing of any necessary public easements; and a specified methodology for performing the authorized work, and the disposition of waster generated.

SECTION 12-705 PERMIT REVIEW.

An earth change permit shall expire at one (1) year after it is issued. Permits on ongoing projects shall be reviewed each nine (9) months for compliance.

SECTION 12-706 APPLICATION FOR EARTH CHANGE PERMIT.

General requirements. Unless excepted by the provisions of this article, any person desiring to effect an earth change shall file a written application for an earth change permit with the Director of Urban Development. Application shall be in such form and content as the Director of Urban Development shall establish, and shall be accompanied by the payment of a permit fee, the amount of which shall be recommended by the Director of Urban Development and approved by the city council of the City of Sapulpa. The site plan and design standards established by the applicant and approved by the city, or imposed by the city, shall become conditions upon the issuance of the earth change permit; no changes in an approved plan or design standard shall be made without prior written approval of the city.

Contents of permit application. Each earth change permit application shall contain the following information:

The name and address of the legal owner of the property for which the permit is requested;

A vicinity sketch of the site for which a permit is requested, including a legal description of such property, and a boundary line survey as may be requested by the city;

Site drawings indicating each separate land area to be excavated, filled, graded, or leveled, the finished depth of each separate land cut or fill, the present and future (as completed) points of entry and discharge for surface water on the subject property, and identification of all temporary or permanent structures or other devices to be erected or established for the purpose of controlling or regulating surface water and erosion of such property;

The applicant's plans for controlling on-site erosion and off-site sedimentation for

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the purpose of minimizing the deposit of sediment from the tract under application upon any other off-site public or private property or watercourse during all phases of project construction;

The applicant's plans for receipt of surface water on his property and discharge of surface water from his property during periods of construction, and a statement specifying the anticipated time period for the completion of all drainage improvements. Provided, however, that if the Director of Urban Development is unable to determine from the application submitted that it meets the policies and standards governing the issuance of the requested permit, the Director Urban of Development shall request the applicant in writing to furnish such additional information which may be essential to such determination; and

Owner's statement and signature certifying that the approved plans will be implemented under the direct supervision of a registered professional engineer.

SECTION 12-707 EARTH CHANGE POLICIES AND STANDARDS.

The issuance of the earth change permits shall be governed by the following policies of the City of Sapulpa:

No earth change shall be permitted which creates a public hazard upon any property within the City of Sapulpa through the obstruction, impairment, sedimentation, blockage or alteration of any storm sewer drain or any existing surface water course.

No earth change shall be permitted which will channelize, obstruct, or impede any water course in a manner which is inconsistent with accepted engineering practices and/or the adopted drainage standards of the City of Sapulpa.

All earth changes shall be designed, constructed and completed in a manner which minimizes the time of exposure of bare earth to the elements.

Construction activity on individual tracts shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period to minimize sediment from any such tract being deposited upon any off-site public or private property or water course during all phases of project construction.

As may be applicable to any tract of land for which an approved drainage plan exists, the requirements and conditions of the drainage plan shall be incorporated as a condition upon the issuance of any earth change permit.

The redesign of any drainage structures required and presently existing as a result of the previous processing of an approved drainage plan shall not be required as an incident or condition for the subsequent issuance of an earth

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change permit unless the proposed earth change materially alters the character of the approved drainage plan.

The policies governing earth changes shall be implemented by the adopted city drainage standards which shall specifically regulate the following considerations:

The adopted city drainage standards shall regulate the design, installation and utilization of all detention and drainage, facilities and structures.

The adopted city drainage standards shall regulate the design, installation, maintenance and removal of sedimentation and erosion control procedures; facilities and structures and shall establish acceptable methods and practices for controlling soil sedimentation and erosion.

SECTION 12-708 EARTH CHANGE EXEMPTIONS.

An earth change permit shall not be required for the following activities:

- A. Bona fide agricultural and farming operations which constitute the principal use of a tract of ground in the City of Sapulpa and which meet the requirements of the zoning code of the City of Sapulpa.
- B. Home gardening.
- C. Excavating and/or grading, and/or leveling, and/or landfilling requiring less than twelve (12) inches of cut or fill at any one point.
- D. The common or routine maintenance and clearing of a floodplain which does not expose the earth or ground to erosion.

Provided, however, that exemptions (C) and (D) are not applicable to:

Such activities when occurring upon any tract of record regardless of size or depth of cut or fill, located within the regulatory flood area; or

Such activities when occurring upon any tract of record, regardless of size or depth of cut or fill when such tract contains any natural or manmade watercourse, with a drainage area of over forty (40) acres.

- E. Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property, and which are made under such circumstances where it would be impossible or impracticable to obtain an earth change permit.

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- F. Temporary excavation for the purpose of maintaining or repairing any public street, public utility, or any service lines related thereto.

SECTION 12-709 ENFORCEMENT AND PENALTIES.

Notification of noncompliance. If at any time the work being performed in accordance with an earth change permit does not conform to the approved permit, including conditions and approved modification thereof, a written notice to comply shall be given to the permit holder by the Director of Urban Development stating the nature and location of the alleged noncompliance, and specifying what remedial steps are necessary to bring the project into compliance. The permit holder shall have such time as may be allowed in writing by the Director of Urban Development to correct all noted deficiencies; the time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

Temporary suspension of earth change permit. An earth change permit may be temporarily suspended by the Director of Urban Development upon the existence of any condition or the conducting of any act constituting or creating a condition which endangers human life or may cause severe property damage to others. The Director of Urban Development may issue an immediate stop work order. The Director of Urban Development shall, upon issuance of a temporary suspension, shall give the permit holder written notice specifying the grounds of such temporary suspension and advising the permit holder of his right of appeal to the City Council.

Revocation or suspension of earth change permit. An earth change permit may be revoked or suspended by the city council after a public hearing. The permit holder shall be given ten (10) calendar days advance written notice specifying the grounds for such contemplated revocation or suspension, and advising the property owner of the date, place and time of hearing before the city council. An earth change permit may be revoked or suspended upon the occurrence of any one of the following events:

Violation of any material condition of the permit; or

Violation of any provision of this article or any other applicable law, rule or regulation pertaining to the earth change permit; or

Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or property of others.

Upon the revocation of an earth change permit by the city council, or as may be specifically directed by the city council in cases where an earth change permit is suspended, the Director of Urban Development shall issue a stop work order on all construction activity on the permit holder's property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses,

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franchises or contracts issued or approved by the City of Sapulpa; such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including building, electrical, plumbing, mechanical, and street work, storm sewers, sanitary sewers, gas lines, and all utilities including gas, electric, telephone and cable TV. Notices and orders required by this subsection shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting party(ies) or permit holder at the address given on the permit application filed with the city.

Fine imposed. Any person, firm or corporation, or other legal entity, violating the requirements of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by Section 1-108 of the Code. Each day's violation thereof shall constitute a separate offense.

Fine not exclusive penalty. In addition to fine or imprisonment, the city may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or adopted city drainage standards or to correct violations thereof, and, if applicable and appropriate, the city may institute appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work."

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CHAPTER 8

SPECIFIC USE PERMIT

Section 12-800	General Purpose
Section 12-801	Conditions for Approval
Section 12-802	Specific Use List
Section 12-803	Use Conditions
Section 12-804	Administration

SECTION 12-800 GENERAL PURPOSE.

The City Council may, after a public hearing and recommendation by the Sapulpa Metropolitan Area Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Specific Use Permit.

The uses listed in the Specific Use list are so clarified because of the size of the land they require or the specialized nature of the use, or they may more intensely dominate the area in which they are located, or their effects on the general public are broader in scope than other types of uses permitted in the district.

The designation of a Specific Use Permit as possible on the Specific Use List does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use Permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

SECTION 12-801 CONDITIONS FOR APPROVAL.

- A. Application. Prior to submission of a request for a Specific Use Permit, the Urban Development Director may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a Specific Use Permit, the Planning Commission may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed.

- B. Planning Commission Requirements. The Planning Commission may recommend to the City Council the requirement of certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses

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and operation. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the City Council can take action on the application.

- C. City Council Requirements. The City Council, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Sapulpa Comprehensive Plan, may deny a specific request or require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The City Council may impose conditions including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.
- D. Site Plans. A site plan (plot plan) setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.
- E. Time Limits for Implementation. If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within one year of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance including non-conforming uses and their incidental and accessory uses must receive a Specific Use Permit before any expansion of the use is permitted.

SECTION 12-802

SPECIFIC USE PERMIT LIST.

- A. Specific Uses. The following uses are allowed in all zoning districts by Specific Use Permit Process approved by City Council:

Accessory Dwelling Units - ADU (guest cottages, in-law quarters)

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Airport
Automobile Sales – New or Used
Bed and Breakfast Inn
Bus Station
Cemetery
Churches
College or University
Commercial Theme Parks
Convalescent Homes
Convict Pre-Release Center
Commercial Resort Facilities (Minimum acreage requirement of 40 acres)
Crematory
Cultural or Heritage Centers, Public or Private Attractions.
Detention Center Juvenile-Adult
Electric Generation Plant and/or Sub-Station
Fire Protection Facility
Fire Station
Golf Course
Golf Driving Range
Governmental Services
Gun Club
Halfway House
Heliport
Hospital
Industrial Uses:
 Use Units 24, 25, 26 (Minimum acreage requirement of 40 acres)
Juvenile Delinquency Center
Kennel
Library
Mausoleum
Mini-Storage
Museum
Nursing Homes
Offices:
 Use Unit 11 when located on a 40-acre or greater tract
Post Office
Private Schools, with comprehensive education curriculum
Public Schools
Recreational Vehicle Park
Recycling Center
Refuse Transfer Station
Rifle and Skeet Range
Sanitary Landfill
Sewer Disposal Facility

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Sober Living Facility
Trade Schools
Transmitting Tower (excluding amateur radio tower)
Water Treatment Facility and/or Water Storage Facility
Use Unit 20 (Outdoor Recreational Facilities)
Use Unit 23 (Mining and Mineral Processing)

SECTION 12-803

USE CONDITIONS.

- A. Compliance with District and Use Unit Requirement. Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which located and in addition shall comply with the requirements as specified in Use Unit 2 or identified use unit for a particular use of the City of Sapulpa Zoning Code, except as may be modified by City Council as provided in Section 8-101(C).
- B. No Oil or Gas Related Wells Drilled after Granting of Specific Use Permit.
1. No permit for the drilling of any oil or gas related well shall be allowed in an AG, or IM zoned area if a Specific Use Permit affecting the area has been previously approved by the Sapulpa City Council unless the previous Specific Use Permit was Oil or Gas Well related.
 2. Drilling operations for oil and gas require additional permits as specified under Chapter 5-1101 through 5-1102 of the Sapulpa City Code. Conditions established under the required City Code application shall be in addition to the land use requirements established through the Specific Use Permit Process.

SECTION 12-804

ADMINISTRATION.

- A. Filing of a Petition for Specific Use Permit. An application for a Specific Use Permit shall be filed with the Planning Commission by the owner(s) of the property concerned, by the duly authorized representative thereof; by the holder of an option to purchase the affected real estate or by the purchaser in a contract to purchase realty. Such petition shall be on a standard form furnished by the Commission. All petitions for a Specific Use Permit shall be accompanied by a site plan of the proposed area showing the location of buildings, parking, and other pertinent data concerning the operation of the proposed use.

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- B. Fees for Permit. An application fee and a processing fee shall be required with the Specific Use Permit application in accordance with the Master Fee Schedule. All costs associated with required postings in newspaper having general circulation within the community will be billed to the applicant.
- C. Notice of Hearing (ref: 11 O.S. §43-104 (A) & (B)).
1. Notice of the public hearing to consider a Specific Use Permit shall be mailed at least twenty (21) days before the public hearing held by the Planning Commission by mailing written-notice by staff to the Planning Commission to all owners of property within a three hundred (300') radius of the exterior boundary of the subject property. The notice shall contain:
 - a. The date, time and place of the public hearing.
 - b. The present zoning classification of the property and the nature of the Specific Use Permit.
 - c. The legal description of the property and street address or approximate location in the municipality.
 2. In addition to the notice required in subsection 1 of this section, if the Specific Use Permit requests the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.
- D. Appeals. An applicant may appeal a recommendation of denial by the Planning Commission to the City Council by providing written notice of its intent to appeal with the City Clerk within fifteen (15) days of the date of recommended denial by the Planning Commission. The City Council may reverse the recommendation of the Planning Commission by a two-thirds vote of the members of City Council.